

A breife 30 C
SUMMARY
OF THE *June 17*
LAWES and STATUTES
of **ENGLAND.**

So farre forth as the same doe
concerne the Office of Iustices of
the Peace, Sheriffes, Bayliffes,
Constables, Churchwardens,
and other Officers and Mini-
sters of the Commonwealth.

TOGETHER WITH
Divers other Matters, not onely accep-
table for their Raritie, but also very
necessary for their great Use and Profit
for all Persons, but especially for such
as bear Office in this Commonwealth.

*Collected by Nicholas Collyn of the Honourable
Societie of Lincolns-Inne, Esquire; and
sometimes Reader there; and an ancient Iu-
stice of the Peace and Quorum in the Coun-
ty of Middlesex; and one of the foure Plea-
ders of the Honourable City of LONDON.*

LONDON, 24.

Printed by **R. Constable**, for *Math. Walbanck*
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Vine-Court in the *Middle-Temple*. 1650.

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Dec. 28, 1900.

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TO THE READER.

His Abridgements
T *of the Lawes and*
Statutes follow-
ing, was Penned
by one that was an ancient
Iustice of the Peace in the
Country, which he did for his
own conveniencie and ease:
it being more plaine and full,
and yet more brieve and com-
pendious then any Abri-
gements
A 3

The Epistle

ments that are in print ; and
an easie pocket Book to be car-
ried about with facilitie , at
occasions may be offered ; con-
taining in few words , most
plainely and fully the effect and
meaning of all Laws and Sta-
tutes , that concerne the Just-
ices of the Peace , either in the
Sessions , or out of the same
or that doe concerne the Offi-
ces of Sheriffes , Mayors ,
Bayliffes , Constables , Church-
wardenss Overseers for the
Poore , Surveyors of the
Highwayes , and all other Of-
ficers and Ministers of the
Peace and Commonwealth.

This

The Epistle.

an This Manuscript with some
capiters, were left by the Au-
thor (or Collector) with some
copy of his neare Freinds, who are
more ready and willing, according
unto his mind to make the same
more common, that so it may be
the more usefull to all Officers
and Magistrates, that have oc-
cassions to informe themselves
of what the substance of the Laws
and Statutes are ; that, so
they may performe their sa-
verall Offices and Duties in
such manner as they ought to
doe.

The Penner hereof did it at
the first for his own particular

The Epistle.

use, not once intending any
other thing; but when some
of his intimate freinds (who bore
Office in this Commonwealth)
had once the knowledge of it
and had perused it, they would
never be without it, but made
more use of it for a help
to their memory, then
any printed Book whatsoever.
And as it was profitable to some
few, so it may by the publishing
of it be to many more for the
future.

The



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SUMMARY
of the **LA V V E S,**
and **STATUTES** of
E N G L A N D.

Alehouses and Drunkenesse.

IF any Inkeeper, or any Alehouse-keeper, shall suffer any person dwelling in the Towne, Village or Hamlet, where such Inne or Alehouse is, to remain and continue drinking there (other then persons invited by Travellers, accompanying them onely during their necessary abode there; Labouring-men, and Handicrafts-men for an houre at dinner time; and Labourers and Workmen which for following their worke, lodge and victuall in such houses) other
B then

An alehouse
keeper per-
mitting any
to continue
drinking in
his house.

then for urgent occasions allowed by Justices of the Peace, he shall forfeit the poor there for every such offence proved by two witnesses upon Oath seen by a Justice of the peace of the limit. 10. s. 1 *fac. 9. & P. 6.*

By the Stat. of 7 *lac.* 10. he shall be disabled to keep an Alehouse for 3 years after.

2. Whosoever shall continue drinking in Inne or Alehouse in the town where he then dwelleth contrary to the Stat. 1 *lac.* 9. before mentioned, the said offence being proved, or seen, as aforesaid, and presented within 12 moneths, shall forfeite and pay to the use of the poor there, within a week after for every such offence, 3^s 4^d. And if the offender be not able to pay the sayd forfeiture, then he shall be set in the stocks 4 houres. 4 *lac.* 5. & *P. 6.* Drunkenness.

Nota.

Note that if any Alehouse-keeper shall so continue drinking in the town where he dwells, he shall be disabled three yeares, *per le Stat.* 4 *lac.* 5. & 10.

3. If any Inkeeper or Alehousekeeper, &c. shall utter or sell lesse then full Ale quart of the best Beere or Ale for a penny, and of small two quarts for a penny, he shall forfeite for every such offence being proved as aforesaid, 10. s. to the use of the poore there. 1 *lac.* 9.

Alchouses, &c.

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Poulton Alchouses, 7, &c.
But by the Stat. 7 Jac. 10. he shall be
fabled 3. years.

Whosoever shall be drunk, and there- **A drunkard**
be lawfully convicted within six
moneths after, shall forfeite and pay to
the use of the poor there within one
week 5. s. and if he be not able to pay
then he shall be set in the stocks six
houres, and if after that he shall be a-
gaine convicted of the like offence, then
he shall be bound with two sureties in
10. l. to be from thence forth of good
behaviour. 4 Jac. 5. & *Poulton* drunken-
ness 1, & 5.

Note that such offenders being once
punished by the Ecclesiasticall Lawes,
shall not eft soons be punished for the
same offence. 4 Jac. 5. P. Drunken-
ness 8.

5. Whosoever shall keep Alehouse
without license, or contrary to the com-
mandement of two Justices of the
peace, one of them being of the Quo-
rum, shall be imprisoned 3. daies with-
out bayle, and before his delivery to be
bound by Recognizance with two sure-
ties not to keep Alehouse any more, as
the Justices shall think fit. And shall be
also fined by the Justices in their open
Sessions for every such offence 20. s. 5. &
6 Ed. 6. 25.

The penalty for selling Ale or Beere
to the persons unlicensed, see *Brewers* 4.

B 2

An

Archery.

Nota.

An Alehouse-keeper once lawfully put down, cannot be allowed again in open Sessions. Judge Warberton *Cambr. Assizes, 1613. & Dalton 25. 26, taken quare.*

6. If a common Inkeeper, or Alehouse-keeper shall refuse to lodge a Traveller, he ought to be suppressed. *Dalton 25.*

Archery.

Bowes and Arrows.

1. All persons lacking or not using Bowes and Arrows according to the Stat. 33 H. 8.9. (except persons excepted by the said Stat.) shall forfeit the severall penalties imposed upon them to the King and Informer, so as the suite be commenced against them within a year after. See P. 1, &c.

Arrow heads.

2. All false makers of Arrow heads shall be punished according to the Stat. 7 H. 4. 7.

Forfeiture.

3. If the Inhabitants of every town and place shall not make and continue their Butts as they ought to doe, they shall forfeite for every moneth 20. s. 33 H. 8.9.

Armour.

Armour.

Armour.

IF any persons (except the Kings servants or Officers in doing their service, and their company aiding them that behalfe) shall ride or goe armed day or night, or shall bring force in tray of the Kings people before the Kings Justices or otherwise, they shall lose their armour, and be imprisoned at the Kings pleasure, and may also be bound to the peace or good behaviour.

Ed. 3. 3. & P. 1.

1. To imbezell the Kings Armour, Ordnance, or Victuals to the value of £10. s. is Felony, so as the offender be impeached within a yeare after, 31 El.

& P. 3.

3. All the Armour, Gunpowder, and munition soever of Recusants convicted, whether then necessary weapons, shall be taken from them by warrant from four Justices of the peace at their quarter sessions; and yet they shall be charged with maintaining the same, and with buying more in such sort as other Subjects are according to their ability. 7 Jac.

& P. Recusants 75.

B. 3.

Arti-

Artificers.

Artificers.

Artificers
conspiring
for the order
of their
work.

IF any Artificers, Workmen, Labourers shall conspire, promise or make oathes that they will doe the worke but at a certaine price or rate, will not finish what another hath begun, or shall otherwise conspire for the order of their work.

Or if any Butchers, Bakers, Brewes, Poulterers, Cookes, Costermongers, Fruiterers, shall conspire, covenant, promise, or take any oathes that they shall not sell their victuals but at certain prices, every of them so offending being lawfully convicted thereof, shall forfeit for the first offence 10. l. to the King, and if he doe not pay the same within six daies after conviction, he shall be imprisoned twenty dayes, and have only bread and water for his sustenance, and for the second offence 20. l. or more, and suffer the punishment of the pillory, and lose one of his ears, and never be credited in matter of judgement. *Ed. 6. 15. P. 1. & Inst. 56.*

Nota.

Artificers are compelled to work in Harvest. See Labourers.

None shall occupy any art but which hath been an Apprentice. See Labourers.

Assist.

Affault.

7

Affault.

If any shall commit unlawfull Affault, beatings, wounding, or such like trespasses against the body of any one, or shall with force and against the law, take the goods of another, or shall do any trespass in the lands of another, they shall be imprisoned, and punished according to the offence by the Justices discretion.

But the fines which they asseſſe must be reasonable, having regard to the quantity of the trespass, and the cause. *Ed. 3. 6. 33 Ed. 3. 1. & P. Just. 18.*

A servant or workman assaults his Master. See Labourers.

Whosoever shall lie in a waite to Lying in wait, robb, maim, or kill another, shall waite, be imprisoned and fined. See *Poulton*, *Just. 18.*

B 5

Affize

Assize of Bread and
Drinke.

1. **I**F any common Brewer, Baker, or Tipler have broken the Assize of Bread, Beer, or Ale, he shall be fined by the discretion of the Justices, and if any Steward in Leet, or Officer in Market-town, shall take any fine for breach of the Assize of Bread and Ale in such cases where corporall punishment is appointed, he shall be greivously amerced. 51 H.3. 13 R.2.8.

8. Break the
assize; the
1, 2, 3. time
he shall be
amerced.

3. If a Baker or Brewer shall break the Assize the first, second, and third time, he shall be amerced according to his offence, except it be great, but if his offence be great, for that he doth offend a fourth time, or oftner, then the Baker offending shall be set on the Pillory and the Brewer punished by the Tunbrell; which shall not be pardoned for Gold nor Silver. 51 H.3. 6 P. Weights and Measures, 15.

Badger

Badgers, Laders, Drovers.

Badgers, Laders, Drovers.

1. **A**Ll Licences made to any Badger, Lader, Kidder, or Carrier of Corne, Drover of Cattle, Buyer or Transporter of Corn and Grain, Butter and Cheese, otherwise then in the open generall quarter Sessions of the Peace holden in the Shire, where the party admitted, assigned, or allowed doth, or by the space of three years before the Teste of this Licence hath dwelled, or other then to such person as is, or hath been married, is a householder, no household servant, or retainer, and thirty yeares of age at the least, or who have continuance for more then one year, or which beareth not date the day and place where the Sessions is holden, nor is not signed and sealed with the hands and seales of three Justices of the Peace at the least there present, whereof one to be of the Quorum, shall be void, and the party which taketh the same shall forfeit 5. l. to the King and Informer. *El. 12. & P. 2.*

To whom,
and where a
Badgers Li-
cense shall
be made,

2. Whosoever shall by authority of such license buy any Corn out of open Faire or Market to sell the same againe (except he be thereunto specially licensed by expresse words in his License) shall forfeit, *ut antea*, 5. l. 5 *Eliz. 12. & P. 2.*

Bark.

Regrating
or ingrating
of Bark.

At what
time trees to
be barked
shall be sel-
led.

1. **V**Whosoever shall get in his hands any Oaks barke, to the intent to sell the same gaine, shall forfeit the barks, or the value thereof. 1 *Iac.* 22. & P. Leather.

2. Whosoever shall fell any trees to be barked, where bark is worth a load, without the charge of barking or pilling timber for necessary building or reparations of houses, ships, or other uses excepted, but between the first day of April, and the last of June, shall forfeit every tree the double value thereof. *Iac.* 22. & P. Leather 15.

Barator.

1. **A** Common Barrator is he who is either a common mover, stirrer up, or maintainer of suits in Law in any Court, or else of quarrels in Country, and not onely in one, or two, but in many causes.

Such persons may be bound to good peace, or good behaviour, and may be imprisoned and punished according to the law.

Bastardy.

11

the Justices discretion. 2 Ed. 3. 6. &
Justices 18.

Bastardy.

HE that is suspected to have gotten
a Bastard, ought to be bound to the
good behaviour, to the end he may be
forth comming when the child shall be
born. *Law. 12.*

Two Justices of Peace, one of them Who shall
being of the Quorum, in, or next to take order
of the limits where the parish Church is, for Bastardy
which parish any Bastard begotten,
and borne out of lawfull Matrimony,
shall be born, upon examination of the
cause and circumstances, shall and may
take order by their discretions, as well
for the relief of the parish, and keeping
of the child, by charging the mother, or
reputed father with the payment of mo-
ney weekly, or other reliefe, as also for
the punishment of the mother, and re-
puted father, 18 Ed. 3.

If the mother or reputed father, upon Refusing to
notice thereof, shall not performe the perform the
order of the Justices, subscribed under order.
their hands, such persons so making de-
fault, shall be by the same Justices
committed to the common Gaole,
there to remain without baile, or main-
prise, except such person shall put in suf-
ficient

ufficient sureties to performe the said orders, else appear at the next Sessions of the peace to be holden in that County and also to abide such order as the Justices or the more part of them shall there take, in that behalfe, and if they take no order there, then to abide the order before made, *ibidem*, & P. 1.

Nota.

That the Mother may be examined upon Oath, concerning the reputed Father.

The punishment of the Mother.

By the Stat. 7 Jac. every such lewd woman shall be sent to the house of correction, there to be punished, and set to worke for a yeare, and if she shall soones offend so againe, then to be committed to the said house of correction, as aforesaid, there to remain untill she can put in sureties for her good behaviour, not to offend so againe.

Nota.

But such a bastard child must be one that is left to the charge of the parish or likely to be chargeable to the parish 7 Jac. 4.

Quere.

If the Justices may punish the Mother by force of the Stat. 18 Eliz. and after send her to the house of correction because *Nemo debet bis puniri pro delicto*.

Nota.

The mother may not be sent to the house of correction before the child is born. *Dalton*.

Such child is not to be sent to the house of correction with the mother.

but rather to be kept in the town where
 was borne, and there to be relieved
 by the work of the mother, and by relief
 commonly from the father; yet it is
 commonly used to send the child with
 the mother to the house of correction,
 to *quere*.

Brewer.

IF any Brewer which breweth Beere
 or Ale to sell, shall by himselfe, or
 other to his use, occupy the mystery of
 Cooper, or make Barrells, &c. or other
 vessels of wood wherein to put his Beer
 or Ale to sale, he shall forfeit for every
 vessell made 3. s. 4. d. to the King and
 the Informer. 23 H. 8. 4.

2. If any Beer Brewer, or Ale Brewer
 shall sell his drink at higher prices then
 shall be appointed by the Justices of
 the Peace, *Or* he shall forfeite for
 every Barrell so sold six shillings, for
 every Kilderkin three shillings, and
 four pence; for every Firkin two shil-
 lings; for every lesser vessell twelve
 pence, and for a greater then a Barrell
 tenne shillings, to the King and In-
 former.

No Brewer
 shall be a
 Cooper.

The prices
 of Ale and
 Beer.

Buggary.

Nota.

former. 23 Hen. 8. 4. & Poultre

3. The Justices of the Peace for every shire where any Ale or Beere Brew doth dwell (out of a City, Borough or Town, or other place where no officer hath any rule) have power to Settle and Tax by their discretions the prices of every Barrell, Kilderkin, Firkin of Ale or Beere. 23 H. 8. 4. & Just. 78.

None shall sell drink to an alehouse keeper unless

4. If any person shall by himself otherwise, directly, or indirectly sell, utter, or deliver any Beer or Ale to any person, or into the house or seller of any person that then shall sell Beer or Ale as a common Tippler without License then in force to sell Ale or Beer, shall forfeit for every Barrell 6 s. d. so after that rate for a greater or less vessell or quantity. 4 Jas. 4. & P. Ale houses 10.

Buggary.

Buggary.

THE Justices of peace may heare and determine the sayd offences of Buggary, as they doe use to doe in other cases of Felony, and such offender shall not be admitted to his Clergy. 25 H. 6. 5 H. 17. & P. 1.

Burglary.

Burglary.

15

Burglary.

Burglars shall not have the benefit
of their Clergy. 18 El. 6. But there
are four speciall things which must con-
tain, to make this Felony, viz.

1. The time, onely in the night:

2. The place, either publique, as the
self Church, or walles or gates of a City, or
any fortified Town; or private, as a dwelling
house, and then some body must be with-
in at the same time. Also the breaking
of a house at night of a stable, barne, or other
out-house adjoyning or neare the dwel-
ling house, to the intent to steale, is
burglary, though he take nothing. See
Dalton.

3. The manner consisteth, partly in
breaking of the house, and partly in
entering therein; yet it seemeth that he
that is taken in the onely attempt of a
burglary, shall be hanged though he
make no actuall entry, as to put back the
leaf of a window, to draw the latch of a
door, or turn the key in the inner side
of the door, to break a glasse window,
and hook out any goods, or to come
up a chimney, &c.

4. The intent, which must be either
to kill or rob some person, or doe some
other Felony. See Dalton 223.

Burning

Burning of houses.

Burning of houses.

TO burn a dwelling house, or house parcell thereof, by night day feloniously, is felony.

So it is to burne a stack of Corn feloniously.

So it is to burne a Barne adjoyning or neare a dwelling house in the night feloniously.

So it is also to burne a Barne in day time having Corn in it, though it be not adjoyning to the dwelling house.

Butchers.

1. If a Butcher shall buy cattle, and sell the same alive, he shall forfeit to the King and Informor the same cattle. 3. 4 Ed. 19. 1 Jac. 25. & P.

Kill not weanlings. 2. If a Butcher or other person shall kill any Weanlings, Bullock, Steer, or Heifer being under the age of two years, to the intent to sell the same for gain whole, or by retaile, hee shall forfeit to the King and Informer for every one six shillings and eight pence.

Butchers.

17

ace, 24 Hen. 8. 9. 1 Jac. 25. & P.

3. A Butcher that selleth Swines
h meased, or flesh dead of the mo-
ne, after he shall be convicted there-
shall for the first time be greivously
erced; the second time he judged to
Pillory; the third time he shall be
risoned and fined; and the fourth
he shall forswear the town.

Selling
meased or
morsin flesh

And in this manner shall it be done
all that offend in like case, as of
okes, &c. 5 H. 3. & P. 4.

If a Butcher shall gash or hurt any
e of Ox, Bull, Steer, or Cow, he shall
for every hide 20. d. 1 Jac. 22.

Gashing of
hides.

Or shall waver any hide, except in Warring-
e, July, or August, or shall put to
any putrified, 3. l. 4. d. Ibidem, & P.

ather 1.

4. No Butcher or other person shall
any Calfe to sell, being under five
ks old, on paine to forfeit for every old,

Calves un-
der 5 weeks

6. l. 8. d. 1 Jac. 22. & P. Leather. 3.

5. No Butcher shall be a Tanner,
semel, under the paine of forfei-
6. l. 8. d. for every day. 1 Jac. 22.
P. Ibidem 3.

Butchers conspiring to sell their meat
certaine prices. See Artificers 1.

Captaines.

Captaines, Souldiers, Musters.

Souldier
making a
way his
horse or
harness,

1. **I**F any Souldier serving the King
his wars shall give away any
gelding, mare, or hurnesse where
he was set forth, he shall be impriso
till he make satisfaction. 2 Ed. 6. 2. &
Iust. 84.

Absenting
from the
Musters,

2. If any person absenting him
without true and reasonable cause (b
ing commanded to Muster before
having authority for the same) or
bringing with him in a readinesse
best furniture of array, and armour
his own person, he shall be ten da
imprisoned, or pay forty shillings
4 & 5 P. & M. 3. & P. 12.

3. If any person authorised to mul
or levy men for the Kings service
war, shall take any reward for the
charge or sparing any from that serv
or shall not pay to his Souldiers
whole wages, conduct, and coat mon
within ten dayes after he shall receiv
the same, or for gaine hath lisen
ny to depart out of the service, he
forfeit for every offence tenne times
much as he taketh, and pay to ev
Souldier treble the summe withhold

5 P. & M. 3. 2 Ed. 6. 2. & P. 15.
 4. Every parish shall be charged with
 weekly summe towards the reliefe of
 souldiers and Mariners by the more
 of the Iustices of the peace in their
 generall quarter Sessions next after
 after yearly, so as no parish be rated
 above 10.d. nor under 2.d. and so as the
 all summe of such taxations in any
 county where there shall not be above
 Parishes doe not exceed the rate
 six pence for every parish in the
 County. 43 Eliz. 3. & Poulton

A Remedy for such as refuse to pay
 said taxation. *Ibid.*

5. Who shall collect the said taxa-
 tion, and how, and when they are to
 dispose of it, see 43 El. 3. & Poulton

6. The Iustices of the peace shall
 not reliefe in quarter Sessions to
 souldiers and Mariners, and may alter
 and revoake the same againe. *Ibid.* &

7. They may also alter and dispose of
 the surplusage of the stock, as the most
 of them there shall thinke fit, *Ibid.* &

8. If a Souldier or Mariner shall be
 found begging, or shall counterfeite a
 certificate, he shall for ever lose his
 pension, and be punished as a common
 beggar, *Ibid.* & P. 23.

**Pelony in
Souldiers.**

8. If a Souldier, Mariner, or Drummer depart from his Captaine without licence, it is felony, 18 Hen. 6. 19 P. 3

9. If a Souldier or Mariner wanders abroad without a Testimoniall, it is felony. So it is in every one wandering a Souldier or Mariner, which shall for or counterfeit a Testimoniall, 39 El. & P. *sub titulo* Mariners 4, & 5.

Certificate

10. How and by whom a Certificate of a Souldier or Mariner shall be allowed and made, see 43 El. 3. & P. 19.

Church and Church-yard.

1. If any person shall maliciously strike with any weapon in Church-yard, or draw any weapon there to that intent, and shall be there lawfully convicted, he shall have one of his eares cut off, and if he have no eare then he shall be burned in the cheek with a letter F. and stand (*ipso facto*) Excommunicate, 5 & 6 Ed 6. 4. & Fighting 4.

2. Fair

Church & Churchyard.

21

Faires or Markets in Churchyards,
Fairs.

If any shall feloniously take goods
of any Church or Chappell, it is
ony, and he shall not have Clergy.

P. Clergy 13.

Whosoever not having lawfull and
onable excuse to be absent, shall not
ire to his or her parish Church or
pell accustomed, or upon let thereof
ome usuall place where Common
er is to be used every Sunday, and
er Holyday and there orderly and
erly abide during the time of such
nmon Prayer, Preaching, or other
ice of God, and shall be called in
tion within one moneth after de-
t, shall forfeit for every default 12.d.
e use of the poor where such offen-
shall be resident and abiding at the
of such offence committed. 1 El. 2.

4. & P. Recusants, 1, & 50.
nd whosoever being above the age
6. yeares shall not repaire to some
rch or Chapell as aforesaid, shal for-
or every moneth 20.L. to the King.

1. & P. Recusants 2.
nd whosoever shall keep, relieve, or
our any such person, shall forfeite
very moneth 10. l. 3 Jas. 4. & P.

ants 51. See Recusants:
4. & 1.

Church

Faire

Churchwardens, and Overseers.

1. IF the Church-wardens and Overseers of the poor of every of P shall not take order for setting a w or releiving their poor, or for ass the inhabitants and occupiers of l in their parish, or shall not ende to levy such Assessments, or shall ment together monethly and acc as they ought, every one making fault, shall forfeite for every de 20.s. to the use of the poor. 43 El. P. Poor 2. 12:

And if any Church-Warden Overseever shall refuse to account Iustices may commit him to without baile till he make a count, and satisfie and pay so m upon the said account shall be nining id his hand. 43 El. 2. & P.

2. If the Chērch-wardens, &c not truly collect, and pay over high Constable of that division daies before the end of every Sessions such money as they ou pay for reliefe of the prisoners Marshallsea and Kinosh-bench, the shall forfeite for every default 10

uses in this Act comprised. 43 El. 2.

P. Poor 14.

And they also forfeite 5. l. for not
ing the money, and paying the
e money so taxed for reliefe of the
oners in the common Gaoles of the
nty, according to the Stat. 14 El. 5.

P. Prison 4.

If the Churchwardens and petty
stables shall not truly collect and
to the high Constables of that divi-
ten daies before every quarter Sessi-
such mony as they ought to pay for
reliefe of Souldiers and Mariners,
shall forfeit for every default 20. s.
1. 3. & P. Capt. &c. 17, 18.

If the Churchwardens or Over-
or other Officer to whom the mo-
rfeited by 4 l. s. for uttering Beere
le to Tiplers unlicensed shall be
d, doe not within convenient time
bestow the same among the poore,
shall forfeit double the value there-
1 l. s. & P. Alehouses 12, 13.

The Churchwardens duty in levy-
the penalties of Alehouse-keepers,
& P. See Constables 9.

Their duty in presenting the moneth-
sence from Church of Recusants.
Constables 14.

Their duty in chusing dayes for
ending the highwaies. See highwaies

8. They

Vagabonds. 8. They forfeite s. l. for not receiving Rogues lawfully sent unto the
 Apprentices Their duty for binding out
 Children Apprentices, and
 ploying their money according
 the Statute 7 Jac. 3. See Const
 15.

Clergy.

1. IN what cases Clergy is allowed
 and what not, see *Poulton*
&c.

2. Where Clergy lieth, it is
 table but once to one person (e
 he be within holy Orders) 4 H.
 & P. 16.

Clark of the Market.

25

Clark of the Market.

IF the Clarke of the Market shall take any common fine to dispence with faults, or shall ride with more then horses, or tarry longer in the countie then the necessitie of his businesse requireth, he shall forfeit to the King for his first offence 5. l. for the second offence 10. l. and for the third offence 20. l. *Ric. 2. & P. 1.*

Common
fine,

2. He ought also to have all his Weights and Measures signed according to the Standard of the Exchequer with in when he goeth to assay Weights and Measures, and he nor any other shall use any other Weight or Measure, *Ric. 3. & P. 1.*

Weigh
Measu

Cloth.

THe Justices of peace in their Seuerall quarter Sessions may enquire, heare, and determine every fault and offence made, or done contrary to the Act of 39 *El.* 20. concerning Colled cloth, see *P. Drapery, 127, &c., 43 El. 10.*

C

1 If

2. If any person shall present Cloth which is defective or faulty, contrary to the Stat. 5 *Edw. 6.* the Cloth shall be by two Iustices of Peace cut into three equall parts, whereof the King shall have one, the presenter one, and the third they shall taine themselves. 5 *Ed. 6. 6. & P. D. pery. 29.*

Refusing to
pay wages.

3. If Clothiers, or other Masters shall refuse to pay such wages to Spinsters, Weavers, and other Workmen whatsoever as shall be assessed the Iustices of the peace at their Sessions and shall be thereof convict, they shall forfeit for every such offence ten pence to the party greived. 1 *Jac. 6. & P. L.*

4. If Spinsters, Carders, Weavers, shall imbezell, sell, or detain any of their Clothiers wooll, or yarn well every one of them, as buyers, and the receivers thereof knowing the same to be imbezelled, being convicted thereof by confession of the party, or proved by one sufficient witness upon Oath, before two Iustices shall give such recompence to the party greived, as the Iustices shall think fit and if they be not able, then they shall be whipped and set in the stocks neere the place where the offence was committed. 7 *Jac. 7.*

Linen
Cloth.

5. If any person shall wittingly use any deceitfull art or meanes with

Cloth, and Dyers.

27

en Cloth, whereby the same is made worse for the use thereof, he shall forfeit his said Cloth, and suffer one moneths imprisonment at least, and pay such fine as shall be assessed by the Justices. *Eliz. 12. & P. Linnen cloth. 2.*

Dyers, and Dying.

The default, and punishment of Dyers, 23 *Eliz. 9. 39 Eliz. 11. & Ponl. Drapery, 65. & Just. 82.*

Conjuration, Witchcraft, Prophefying.

WHosoever shall use Invocation, or Conjuration of any evil spirit, or shall consult, covenant with, entertain, imploy, or reward any evil spirit, for any intent; or shall take up any dead man, woman, or childe, or any part of any person, to be used in any manner of Witchcraft, Sorcery, Charme, or

Conjuration or Witchcraft where by any person is killed or lamed.

Inchantment; or shall use Witchcraft, Inchantment, Charme, or Sorcery whereby any person hath been killed, destroyed, wasted, consumed, pined, lamed in his body, or in any part thereof, shall, together with his Aiders, Betters, and Councillers, being fully convicted, suffer death as a Felon and not have the benefit of Clergy. *1 Jac. 12. & P. 1.*

Declaring
where
things be
hidden, or
procuring
unlawfull
Love.

2. Whosoever shall undertake Witchcraft, Inchantment, Charme, Sorcery, to tell in what place any Treasure of Gold or Silver may be found, or to the intent to provoke any person to unlawfull Love, or to impair, destroy any persons Goods or Cause, or to hurt any person in body, although the same were not effected, shall for the first offence suffer Imprisonment in the space of one whole year without Bail, and once every quarter of the said year shall in some Market-Town on the Market or Fair day, stand openly on the Pillory by the space of six houres, and there openly confess his fault and offence. *1 Jac. 12.*

First of-
fence.

Poult. 2.

Second of-
fence.

and for the second offence shall suffer death as a Felon, and not have the benefit of Clergy. *1 Jac. 12. & P. 3.*

Prophecy-
ing.

3. Whosoever shall advisedly advise, publish, and set forth by writing, printing, open speeches, or deed to any person

Constables.

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son, any fantastical or false Prophe-
 upon Armes, Fields, Beasts, or
 ges, or upon any Time, Name,
 shed, or War, to make thereby
 bellion, dissention, losse of life, or
 Disturbance within the Kings
 minions, shall for the first offence be
 prisoned a year without Bail, and
 to the King and Informer ten li.
 for the second offence be impris-
 ed during life, without Bail, and
 to the King and Informer all his
 goods and Chattels. 5 Eliz, 15. & P.
 opphesying.

Constables.

Every Constable ought to be *Idoneus* Who ought
Idoneus homo, that is to say, apt and to be chosen
 for the execution of the said Office, Constables.
 he is *idoneus* who hath these three

- things, viz,
 1. Honesty.
 2. Knowledge.
 3. Ability.

1. Honesty to execute his Office
 ly, without malice, affection or par-
 tiality.
 2. Knowledge to understand what he
 ought to do.

C 3

3. Ability

3. Ability, as well in substance, estate, as in body, that so he may tend and execute his Office diligently and not through impotency of body or want, to neglect the place.

And if any shall be chosen Constable, which is not thus enabled or qualified, he may be discharged. *D. f. 37.*

The duties
of Constables.

2. All Constables and other Officers ought to be attendant and assist to the Justices of peace for the execution of the Stat. 33 & 37 H. 8. concerning Retainers giving of Liveries Maintenance, Embracery, Bow-stayes Archers, unlawfull Games, Fore-stallers, Regraters, Victuallers, and hollers, upon pain to be fined by discretion of any two Justices of peace. *P. Just. 20.*

Escape,

3. If a Constable or such other Officer shall arrest one for Felony, and suffer him to escape, it is Felony in the Constable, of whatsoever other kind the offence be; if the Officer shall by his will or negligence suffer the prisoner to escape, he shall be fined, which Fine shall be equal with the value of his Goods, if his fault do so require. See the Duties of Constables. *f. 22.*

Purveyor.

4. If a Constable, or other Officer shall be requested to resist Purveyor which refuseth to make ready payment of any purveyance not exceeding

...ding forty shillings, and he notwithstanding shall not aide and assist the owner, he shall pay to the party received the value of the thing taken, and his double damages. 20 Henr. 8. & Poulton Purveyors 22. & ff. 58.

5. If the Constable, or other such **Labourers** officer of any Township, upon request **in harvest.** de, and for the avoiding the losse of corne, or Graine, or Hay in the time Harvest, shall not cause all such Artificers and Labourers (as be meet to labour) by his discretion, to serve by the day, for the moowing, reaping, or mowing of Corn or Hay, according to the skill and quality of the person, and as refuse to imprison in the stocks the space of two daies and one night, he shall forfeit 40. s. 5. El. 4. & Labourers 13.

6. If Constables and Tything men **Search for Rogues, and convey them to the house of correction.** shall not make privy search within their limits for Rogues and Vagabonds according to the Statute 7 Jac. 4. Or shall not safely convey all such Rogues and idle persons at the charge of the hundred, as by the Justices warrant shall be sent to the house of correction, they shall forfeite such fines as the Justices shall thinke fit, not exceeding forty shillings for every such offence Jac. 4.

7. If any Constable, or Tything-man

chend
ues as
, and pu-
them.

man, shall not do his best endeavour to apprehend such Rogues as beg, or abide within his limits, or shall not cause them to be punished, and conveyed away, according to the Stat. 39 El. 4. he shall forfeit for every default 20. s. & 1 lac. 7. & P. Vagabonds 5. vide P. 11. how this forfeiture shall be employed.

Outlandish
Rogues.

8. If any Constable, Headborough or Tythingman shall not punish, or convey every Rogue and Beggar that shall be brought and set on land here from *Ireland, Scotland, or the Isle of Man*, according to the Law, he shall forfeit for every default 10. s. 39 El. 4. & P. Vagabonds 6.

Refusing to
receive
Rogues to
convey
them.

9. If any Officer will not receive a Rogue to convey him according to the Law, he shall forfeit 5. l. P. Vagabonds 5.

And if any being a sturdy or impotent Rogue shall be sent to a town where he ought to be sent, and shall be refused, that person refusing shall forfeit 5. l. And he that is sent, is to be offered to the Churchwardens and Overseers.

Nota.

To send Rogues by a generall Passport is a forfeiture of 5. l.

Hedge
breakers.

10. If any Constable, or other inferior Officer shall not whippe such hedge breakers, robbers of Orchards, and

your
rab
can
yed
4.
f. the
5.
hal
Gardens, cutting of Corne and
ood, &c. as shall be for that purpose
mitted to them by a Justice of the
er, he shall be imprisoned without
il till it be done. 43 *Elix.* 7. & P.
espass 2.

1. Every Constable, and other Offi- Plague.
that shall willingly make default
levying such money as they shall be
manded by the Warrants of any
yor, Justices of the Peace, &c. for
Relief of the poor infected with
Plague, shall forfeit for every such
nce ten shillings to the use of the
or infected persons. 1 *Iac.* 31. & P.
que 3.

12. If any Constable or other infe- Drunkards
er Officer to whom it shall be given
charge by precept from any Justice
the peace, within his Limits shall
glect the due correction of a Drun-
d, or the due levying of the penalties
posed upon such offenders, where
ress may be had, he shall forfeit ten
llings to the use of the poor of the
Parish. 4 *Iac.* 5. & *Poulton.* Drun-
necs. 2.

13. If any Ale-house-keeper shall be Ale-house-
glected by the Constables or Church-keepers.
ardens not doing their duty in levy-
of the penalties, &c. Or in default
distress, shall not certifie such de-
by the space of two days then
next

next ensuing to the Justices within whose limits the offence shall be committed, the Constables, &c. shall forfeit for every such default fourty shillings to the poor. 1 *lat. 9. & P. A.* houses 8.

Unlawfull Games.

14. If Constables and other Officers shall not make due search weekly, or at the furthest once every moneth, where unlawfull Games are played, and execute the Statute in all things according to the purport of the same, they shall forfeit for every moneth fourty shillings to the poor. 33 *Hen. 8.* and *Poulton Playes*, 6, 7. See who shall have Forfeitures. *dem.*

Poor children & apprentices.

15. If the Parson or Vicar of any Town or Parish, not corporate together, with the Constables and Churchwardens, Collectors, and Overseers, where any summe of Money is, or shall be given to be employed for the buying out of poor Children Apprentices, or any of them shall forbear fully, or refuse to employ such Money according to their Duties therein, every of them so offending, shall forfeit three pounds, six shillings, and six pence, for every such offence, the one half to the use of the said poor, and the other half to any that will sue. 7 *Jacob. 3.*

Present Religious.

16. If Constables and Churchwardens, or where there be none, the

Chief Constables of the Hundred shall
not once every year present the moneth-
ly absence, from Church of Popish Re-
fugeants according to the Stat. of 3 Jac.
they shall forfeite for every default
ten shillings. 3 Jac. 1. 4. P. Recu-
sants 48.

17. If that Constables doe not see Watches set
duly set and kept from Sun set and kept,
till the Sun rising, between Ascen-
tion day, and Michaelmas day, and make
presentment to the Iustices of the peace
in their Sessions, of the default of Wat-
ches, and such as lodge Strangers, for
whom they will not answer, they shall
be fined by the discretion of the Iustices,
12. Ed. 1. 5. Hen. 4. 3. & Poulton
Watch 1, & 2.

18. If a Constable being present at Affray,
shall not doe his best endea-
vour to part them, it being presented at
the Sessions, he shall be deeply fined,
and the Affrayer at the discretion of the
Iustices, he may justifie the hurting of
them if they resist, and may command
assistance, and imprison the Affrayers
in the Stocks till they finde sureties of
the peace, Dalton fol. 28.

High

High Constables.

Highwaies.

Prisoners.

See the Constables duties in choosing Surveyors of the Highwaies 1.

If the High Constable or other Officer shall not pay the money by him received for the relieve of prisoners in the Gaole at the next quarter Session to the persons appointed by the Justices to receive the same, he shall forfeit 100 pounds, halfe to the King, the other halfe to the Prisoners, 81. 5. 1 Jac. 25. & Poor Prisoners. 4.

If the High Constable shall not pay at every quarter Sessions to one of the Treasurers of the shire such money as the Churchwardens shall pay to him for the prisoners in the *Marshallsey*, Kings-bench, he shall forfeite for every default 20. s. 43 Eliz. 3. & P. poor people 14.

immed
Souldiers.

If the High Constables shall not pay in like manner that money which the petty Constable or Churchwardens bring to him for disabled Souldiers, he shall forfeite 40. s. 43 Eliz. 3. & P. Captains, 18. See Churchwardens 3. for the Constables neglect herein.

Correction

Correction-houses.

EVERY Justice of peace in the county Houses of Correction.
where there is not a convenient
house of correction, with convenient
fences, and necessary implements,
shall forfeite 5*l.* 7*s.* 4*d.*

1. The more part of the Iustices may
any time of quarter Sessions give or-
der for the erecting of houses of Cor-
rection, and for stocks of money, and
other things necessary for the same,
for the Government thereof, 39

7.
1. Houses of Correction are to be
purchased, conveyed or assured upon
unto such persons as by the more part
of the Justices of the peace in their quar-
ter Sessions of the peace shall be thought
fit. And such Iustices may at their said
quarter Sessions, next after such houses
are so purchased, and so from time to time appoint
governours or Masters thereof, and
may make them such allowance and
maintainance as they shall think meet.

And if the Masters of the houses of
Correction shall not every Sessions
render a true and lawfull account unto
the Justices of the peace of all such per-
sons

son, as they have committed to their custody, or if the said persons shall trouble the countrey by going abroad, or escape from such houses of correction, the most part of the said Justices in their quarter Sessions may fine the said Masters and Governours as they shall think fit. 7 *lac.*

Coopers.

The prices
of vessels.

1. **T**HE prices of all Barrels, Kilderkins, Firkins, and other vessels to be sold for Ale, Beere, or Sopp to be putthered therein, made or sold in any City, Borough, or Towne corporate, shall be taxed by the Justices of peace, or the more part of them being present in the quarter Sessions yearly after *Easter*, at such prices as they shall thinke fit and reasonable, and if any Cooper shall sell any of the same above such prizes assessed, and production ther of made, he shall forfeit for every vessell sold at a greater price three shillings foure pence to the King and Informer. 8 *Edw.* 9. & P. 1 & Ind. 79.

2. If any Cooper shall make his vessels for Beer and Ale of unseason-

Coopers.

39

le Wood, or shall not make a Beer
Barrell to contain 36 Gallons; a Kil-
derkin for Beer 18 Gallons; a Firkin
for Beer 9 Gallons; and a Barrell for
Ale 32 Gallons; a Kilderkin for Ale 16,
and a Firkin 8 Gallons of the Kings
standard. And if any Cooper shall
make any Vessell for Beer or Ale to be
sold of any greater or lesser number of
Gallons than is aforesaid, unlesse he
cause it to be marked upon every such
Vessell the certain number of Gallons it
containeth, and that with his own mark,
he shall forfeit 3 sh. 4 d. 23 H.8.4. &

The con-
tents of Ale
and Beer
Vessels.

Marking of
Vessels.

33. Whosoever shall make any Vef-
sels that being empty containeth not
36 Gallons for the Barrell, 16 for the
half Barrell, and eight for the Firkin,
or weigheth above 26 pounds the Bar-
rell, the halfe Barrell 13, and 6 and a
halfe the Firkin, shall loose 3 shill. 4 d.
for each one. 23 H.8.4.

Sope vessels

4. Whosoever shall diminish any Vef-
sell to deceive another shall forfeit 3 sh.
4 d. and be further punished at the dis-
cretion of the Officer. 23 H.8.4. &

Diminish-
ing of Vef-
sels.

Corn.

Corn.

Seed corn.

IF any person shall buy Corn in a Fair or Market for change of Seed, having then sufficient for his house, and for sowing of his Ground for a year, and shall not bring thither (if he might) so much as he did so buy, and the same day sell it after the price then going, he shall loose double the value of the Corn so bought. *3 Ed. 6. c. 13 Eliz. 25. & P. 20.*

Transporting of Corn
see *Poult. 1. c. 6.*

Coroners.

1. **VV**Ho shall be Coroners and of whom, and where they shall be chosen, and of what things they shall enquire. see *3 Ed. 1. c. 10. 14 Ed. 5. 8 P. 12.*

2. If a Coroner be remissive in

viewing

finding a dead body murdered, or slain, shall not enquire of them that did murder or death, of their abettors, consenters, who were present there- and their names, or so found, shall enrolle, certifie, and deliver his In- quision according to the Law, he shall pay unto the King five pound for e- very offence. 3 Hen. 7. 1. & *Poulton*, 14.

If a Coroner shall refuse to do his office upon the view of a dead body, doe his misadventure, without any fee there- office. he shall forfeit 40. s. 1 H. 8. 7.

And upon any Inquisition taken upon His se- view of the body slain, he may take 4. d. 3 H. 7. 1. & P. 15. But if he more, it is extortion.

Every Coroner which shall be ab- sent from the assessing of Wages for the rights of the shire, shall forfeit to the King 40. s. 23 H. 6. 11. & P. Parl. 12.

If a Coroner shall conceale, or arrest Felons when he may, he shall be one yeare imprisoned, and make a good fine, or not being able, shall be imprisoned 3 yeares *Westm.* 1. 3. *Ed.* & P. Felony 1.

If default be found in a Coroner in panelling a Jury, or returning a commission to enquire of a crime, &c. he shall pay to the Kings use 10. s. 1 H. 5. 8. & P. Ryots, 7.

Cottages

Cottages and Inmates.

1. **N**O person shall make, build, erect, or cause to be builded or erected any manner of Cottage for dwelling, nor convert or ordaine any building or housing to be used as a Cottage for dwelling, unlesse he doe lay the same unto 4 acres of ground at the least, being his or their owne Freehold, and inheritance lying neare to the said Cottage to be continually manured the same with so long as the said Cottage shall be inhabited, upon pain to forfeit the same to the King for every such offence 10. *El. 7. & P. 1.*

2. Whosoever shall willingly maintain or uphold such Cottage, notwithstanding so many acres so lying and manured, shall forfeit to the King for every moneth forty shillings, 31 *Eliz. 7. P. 2.*

Inmates:

3. Whosoever shall place or willingly suffer any Inmates, or more than one dwelling in one Cottage, shall forfeit to the Lord of the Lect for every moneth 10. *s. 31 Eliz. 7. P. 3. Just.*

Counterfeiting of Letters, or
Tokens.

WHosoever shall falsly and
deceitfully get into his
hands, or possession, any money, goods,
chattels, jewels, or other things of any
other person, by colour or means of a
false Token, or counterfeit Letter
made in another mans name, the same
being proved by confession, or exami-
nation of Witnesses shall suffer any cor-
poral pain (except Death) as shall be
judged, and besides the party grieved
shall have his Remedy by Action or
writ for the same money or goods.
H. 1. & P. & Just. 54.

Cut-purse.

Cut-purse, nor he which shall felo-
niously take any Money, Goods,
Chattels from the person of another
privily without his knowledge in any
manner whatsoever, shall not have the pri-
vilege of his Clergy, but suffer death
Felon. 8 Eliz. 4 & P. Clergy 1.

Escape.

Escape.

1. **I**ustices of Peace in their Sessions may enquire of all manner of escapes for Felony, 1 R. 3. 3. and also Murder, and certify thereof the King in his Bench. 3 H. 7. 1. & P. Inst. 19.

Escape of a
Murderer.

2. If any person be murdered or slain in the day, and the Murderer escape untaken, the Township where the deed is done, shall be amerced for said escape. 3 H. 7. 1. & Poult. 2.

3. Escape is of two sorts. viz,

1. Voluntary.

2. Negligent.

And for a voluntary Escape, if Arrest or Imprisonment were for Felony, it shall be adjudged Felony in which did suffer the prisoner to escape &c.

Nota.

And note that a voluntary Escape is not Felony, if the Act done were not Felony at the time of the Escape made, but it is fineable. and so is a negligent Escape. Vide Dalt. f. 140.

Escheator

Escheators.

NO Escheator shall sell or let to farme his Office, nor make any purvey, but such as he will answer for at peril, and shall certifie his name under his Letters Pattents to the Treasur and Barons of the Exchequer, within twenty dayes after, upon pain to forfeit for every offence forty pounds. 4 Ed. 9. & P. Iust. 19.

Escheators
fec.

If an Escheator shall take for the execution of any *Diem clausit extremum*, or other Writ in any County above 40. or 40. sh. where the Lands are not held *in capite*, he shall forfeit forty pounds to the King and Informer. H. 6. 17. & P. 9. And for taking above 15. sh. for the finding the office of lands not exceeding five pounds *per annum*, shall forfeit for every offence twenty pounds to the King and Informer. H. 8. 22. & P. 3.

Whosoever shall take upon him to execute the office of Escheator not having Freehold of the yearly value of twenty Marks above all Charges, he shall forfeit twenty pounds. 1 H. 8. 8. 3 H. 6. & P. 5.

Extortion.

Extortion.

1. **I**N Sheriffes and their Minif
(see P. Sheriffes, 6, 7, 8, 9.
 2. In Coroners, see P. Coroners.
 3. In Muster Masters, see P. O
rains, 14.
 4. In Escheators, see P. Esche
3. & 9.
 5. In Ordinaries, see P. Or
ries, 2.
 6. In the Clerks of the Market
P. 1.
 7. In a Parson, Vicar, or Cur
5 Eliz. & P. Fish-dayes, 3 & 5 Eliz.
Labourers, 7.
 8. In a spiritual Parson for a Mor
ry, 2 H. 8. 6. & P. Mortuar. 7.
 9. In the Clerk of the peace, for
rolment in the County, see Inrolment
P. 2. & 27 H. 8. 16.
- And for Registering the Licence
Recognizance of a Badger, & 6
5 Eliz. 12. 13. Eliz. 25. & P. Badger

Faire and Market.

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Faire and Market.

If the Owner, Officer, or Ruler of any Faire or Market shall not yearly point one certaine open place there the sale of horses, &c. and one sufficient person to take Tole, and keepe said place from tenne of the clock in fore noon untill sunne set, he shall forfeit for every default 40. s. to the King and Informer, 2 & 3 P. & M. 7.

4. When, where, and of whom Tole horses shall be taken, *ibidem*, &

5. The sale of any stolne horse in a Faire or Market shall not take away the owners property, except the horse be only ridden, led, walked, driven, or standing by the space of an hour, between the houres of 10 in the morning and sunne set, in the open place of Faire, and lawfully toled, 2 & 3 P. & M. 7. & P. 5.

And yet neverthelesse the owner may redeem the stolen horse, within six months paying the price, 31 El. 12. & Nota:

No person shall sell or put away a horse in any Faire or Market, unto the Tole-taker, Book-keeper, Bay- or cheife Officer thereof will take perfect

e Seller
? be
who

perfect knowledge thereof, and of the sellers name, &c. into a booke for horses sold, or unlesse the seller bring to such Tole keeper, or other one credible person testifying he knoweth the seller, and there into such a book, as well the summe the name, surname, mystery, and of such Testifier, together with price taken for such horse, and shall so testifie, unlesse he do truly the same; and no Tole-taker, &c. make entry of any such sale, unless he know the seller or testifier of such sale, and giving unto the buyer receipt and paying two pence for the same true and perfect note in writing under his hand of all the contents of the same, upon paine that every person offending in the premises shall forfeit every default 5. l. and the sale to be void. 31 El. 12. & P. 7.

5. If any person shall keep Faire or Market in the Churchyard, he shall be punished at the discretion of the Justices, 13 Ed. 6. 1. & P. 10.

Fca

Pheasants, Partridges, &c. 49

Pheasants, Partridges,
&c.

V Whosoever shall take, or cause to be taken any pheasants or Partridges, by nets, or other engines, upon the Freehold of any other, without his special licence, shall forfeit to the owner of the ground, and the Informer, tenne pounds, 11 Hen. 7. 17. & Poulton 1. Just. 38.

Whosoever shall take, kill, or destroy any Pheasants or Partridges with net, or other devices whatsoever in night, Taking them in the night.

Whosoever shall take, kill, or destroy any Pheasants or Partridges with net, or other devices whatsoever in night time (except unwillingly by rebelling, or tramelling, who also shall then and there presently let them go again) shall forfeite for every Pheasant 10. s. and for every Partridge 10. s. to be payed within ten dayes after conviction, or in default thereof to be imprisoned for a moneth without bail, and over and besides such forfeiture or imprisonment to be bound with good sureties for two yeares not to offend againe, 23 El. 10. & P. 1. & 5. Just. 38. See who shall have forfeit.

Ibid. P. 3.

Whosoever shall shoot at, kill, or destroy with any Gunne or Bow, any Pheasant, Destroying certain games and their eggs

Tracing
Hares.

Pheasant, Partridge, house-Dove, Pigeon, Herne, Mallard, Duck, Teal, Wigeon, Goose, Heath-cock, Moor-game, or any such foule, or any Hare, or shall take, kill, or destroy any Pheasant, Partridge, house Dove, or Pigeon with setting-Dogs, and nets, or other engines, or shall take the eggs of any Pheasant, Partridge, or Swans, or wilfully destroy the same in the nest, shall trace or course any Hare in snow, or take any Hare with hare-poles, cords, or any such instruments or engines, the same being confessed, or proved by two sufficient witnesses upon oath before two or more Justices, shall be by them imprisoned for 3. months without bayle, or forthwith pay the use of the Poore there, 20. s. for every Foule, or Hare, and for every egg of Pheasant, Partridge, or Swanne found or destroyed, or after one moneth of his imprisonment become bound to two sufficient sureties in 20. l. and not to offend so againe, 1 Jac. 17. Pont. 6.

Taking
Pheasants
or Partridges
with
setting dogs

4. Whosoever shall take, kill, or destroy any Pheasant, or Partridge with setting-dogge, net, or any other way, the same being confessed or proved by any sufficient witness upon oath before any two of the Justices of the Peace shall be by them committed for 3. months without bayle, unless he for

See

See

mult.

Pheasants, Partridges, &c.

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with pay to the use of the poore there
10. s. for every Pheasant or Partridge, &
be bound in 20. l. not to offend so a-
gain, 7 *Jac.* 11. 5.

5. By the Stat. 7 *Iac.* 11. He that hath
inheritance of 40. l. *per ann.* Freehold
of 80. l. *per annum*, or is worth in goods
100. l. and their meniall servants there-
of authorized, may take Pheasants and
Partridges in the day time onely upon
their own and Masters free Warren,
Manor, and Freehold, between *Mi-
chaelmas* and *Christmas*, 7 *Iac.* 11.

Note who
may take
Pheasants
and Partri-
ges, when
and where.

6. Whosoever shall sell, or buy, or
sell againe any Pheasant, Partridge,
Hare, or Deere not brought up in the
house, or brought from beyond the
seas, shall forfeit for every Pheasant
10. s. for every Partridge 10. s. for
every Hare 10. s. and for every Deere
10. s. the one moytie thereof to the
informers, the other to the poor. 1 *Jac.*
7. & P. 8.

Selling of
Pheasant,
Partridge,
Deer, or
Hare.

See Hawkes, 1. & 7 *Jac.* 11.

Hawking at
Pheasant or
Partridge.

See Hunters, 6, & 7. &

Poul. 6.

Keeping
Grey-
hounds, set-
ting dogs,
and nets.

Fish and Fishers.

Taking of
Salmons.

1. **V** Whosoever shall take any Salmons betweene the Feast of the Nativity of the blessed Virgin *Mary* and Saint *Martin*, in any rivers or waters, or shall take young Salmons at any Mill poole or any other place, between the midst of *April* and *Midsummer*, or at any time or into any waters any nets by which any fry of any fish may be taken, or destroyed, shall for the first offence have his net burned; for the second be imprisoned thre moneths, and for the third a whole year. 13 Ed. 1. 46. 13 R. 2. 1. & P. 1. & Just. 41.

Taking of
spawn.

2. Whosoever shall with any Net or other meanes whatsoever take and kill any young brood, spawn, or fry of any fish in any floodgate pipe, or any of any mill, weare, streame or river, salt or fresh water, or shall take the any Salmons or Trouts out of season that is, being keepers or shedders, or shall take or kill any Pickerell under 10. inches, or Trout under 8. inches, or Salmon under 16. inches, or Barbe under 12 inches fish in length, or shall fish in any of the said places with any net but such whereof every mesh shall be two inches and a halfe broad, shall be forfeyted.

Salmons
and trouts
out of sea-
sons.

forfeite for every offence 20. s. the fish
and nets (Angling, and the taking of
smelts, Gudgeons, Eeles, &c. in
places onely where they have been u-
sually taken excepted) 1 *El.* 27. & *P.*
4. & *Just.* 40.

This Statute doth not extend to any *Nota.*
river where the King hath any yearly
rent or profit. *Ibidem*, & *P.* 5.

3. Whosoever shall unlawfully break,
or downe, or destroy the head or dam *Destroying*
of any pond, mote, stew, or severall *of any pools*
wherein fishes are put by the owner *or fishings.*
thereof, or shall wrongfully fish in any
of the same, to the intent to take a-
gainst the same against the owners will,
shall pay to the party grieved treble
damages, suffer three moneths impris-
onment, and then to be bound to
good behaviour, with sureties for
seven years, and the party grieved may
take his further remedy for his losse
and damages, and may release the sure-
ship of good abearing, at any time
within the 7 yeares, 5 *El.* 21. & *P.* 7.
& *Just.* 34.

Fish, and the eating of
Flesh.

i. **V**Whoever shall by writing
or open speech notify
that the eating of Fish, or forbearing
Flesh upon any daies now usuall ob-
served as Fish-dayes, is of necessity
for Salvation of Soules, &c. shall
be imprisoned and punished as spreaders
of false Newes. 5 *Eliiz.* 5. 1
1 *Jacob.* 25. & *Poulton Newes,*
& 2.

Concerning
fish dayes,
and the
eating of
flesh in
Lent:

See 5 *Eliiz.* 5. 35 *Eliiz.*
& 1 *Jacob.* 29. & *Poulton*
1, &c.

Force, and forcible
Entries.

Degrees of
Force.

i. **T**Here are three degrees of Force
viz.

1. Such as enter peaceably, and then
hold forcibly.

2. Such

2. Such as enter with force, and then hold peaceably.

3. Such as both enter forcibly, and hold forcibly.

2. Whosoever maketh entry into any Lands and Tenements forcibly, and with strong hand, and multitude of people, and hereof shall be lawfully convicted, shall be imprisoned and fined at the Kings pleasure. 5 Ric. 2. 7. & P. 1.

Forcible entries.

3. Whosoever shall enter into any Lands or possessions with force, or entering peaceably shall hold the same with force, shall be committed to the next Gaole, there to remain unill they have payed a fine to the King. And whether the parties which made such Entries be present or gone at the coming of the Justice, he shall in some good town, or convenient place near where such force was made, enquire by a sufficient Jury of the same Countie, City, &c. of them which made such forcible Entries; and if it be found that entry was made contrary to the Statute, he shall re-seize the sayd Lands or Tenements so entered upon, and thereof put the party in possession which was in such sort put out. 15 Ric. 2. 2. 8 Hen. 6. 9. & P. 2. & Just. 8. 9.

Forcible entry, or forcible detaining of Lands.

None shall be endamaged hereby Three years which have continued three yeares possession. 8 H. 6. 9. Nor any restitution

upon any Indictment. 31 Eliz. 11. *Poult. 4.*

Each man
shall help
to remove
force.

4. If the Sheriffe or any other of the County shall not attend to assist the Justice, and to arrest such offenders, he or they so offending shall be imprisoned, and pay a fine to the King. *Ric. 2. 2. & P. 5.*

The Justices charges in the execution of these Statutts, are to be borne by the party greeved. *Ibidem & Poult. 2.*

Forestallers, Regrators, and Ingrossers.

Who is a
Forestaller.

1. **A** Forestaller is he that buyeth or causeth to be bought, or maketh contract or promise for the having or buying of any victuals or wares comming by land or water towards any Faire or Market to be sold, before the same shall be in the Faire or Market, &c. Or that by any meanes maketh motion to any person for inhauning the price of the same, or that doth diswade, move, or stir any person coming to the Market or Faire to forbear to bring any of the same to any Faire

or Market to be sold. § Ed. 6. 14. & P. 1.

2. A Regrator is he that regrateth or getteth into his possession in any Faire or Market any Corn, Wine, Fish, Butter, Cheese, Candles, Tallow, Sheep, Lambes, Calves, Swine, Piggs, Geese, Capons, Mens, Chickens, Pigeons, Conies, or other dead victuall wharsoever, brought to any Faire or Market to be sold, and selleth the same againe in any Faire or Market there, or within foure miles thereof. § Ed. 6. 14. & P. 2.

Who is a Regrator.

3. An Ingrosser is he that ingrosseth or getteth into his hands by buying, contract, promise, taking other then by demise, lease, or grant of land or tythe any corne growing in the field, or other corne or graine, butter, cheese, fish, or other dead victuall within England to the intent to sell the same againe.

Who is an Ingrosser.

(But such as doe buy Barley or Oates without forestalling, and turn the same into Malt or Oatmeale, and sell it againe, and such Victuallers of all sorts buy victuall without forestalling, and sell it by retaile againe, and Badgers and Drovers being lawfully licensed, and not abusing their licenses, are excepted) So be all buyers of Wines, Oyles, Spices, and other foreine victuall brought from beyond the sea hither, except Fish and Salt onely.

Who may Regrate & Ingrosse.

D § ly.

ly. 5 *Edw.* 6. 14. 5 *Elix.* 12. 13 *El.* 14.
& P. 5, & 6.

The punish-
ment of the
offenders.

4. Whosoever shall be duly convicted
of Forestalling, Regrating, or Ingross-
ing unlawfully within two yeares after
the offences, shall for the first offence
lose the goods or the value of them
and be two moneths imprisoned with-
out bayle; and for the second offence
lose double the value of the goods, and
be imprisoned six months without
bayle; and for the third offence
and forfeite all his goods and cattle
stand on the pillory, and be imprisoned
at the Kings pleasure. 5 *Ed.* 6. 14. & *1*

Live cattle.

4. & *Just.* 31.
5. Whosoever shall buy any Oxen,
Runts, Steers, Kine, Calves, Sheep,
Lambs, Goates, or Kids living, and
sell them againe alive, except he keep
and feed them five weeks, shall forfeit
the double value of them. 5 *Ed.* 6. 14.
& P. Cattles.

Forestalling
of hides.

6. Whosoever shall forestall
Hides, or buy any out of open Market
or Faire, unlesse of such as killed beasts
for their own provision, shall lose
every hide vj. l. viij. d. 1 *Jac.* 22. & *1*
Leather 7.

Barke.

7. Regrating of Barke. See
Barke.

Wooll.

8. Regrating of Wooll. See P. *J.*
98. & Wooll.

Leather.

9. Ingrossing of tanned Leather.

Forging of Deeds.

39.

See 5 Edw. 6. & 15. & Poulton Leather. 53.

Forging of Deeds.

VWhoever being once convicted or condemned of any of the offences prohibited by the Stat. of 5 Eliz. against the forging of Evidences and Writings, and shall afterwards commit the like againe, shall be adjudged a Felon, and not have his Clergy. 5 Eliz. 14. & Poulton 4.

A Servant taken with a forged Testimoniall shall be whipped as a Vagabond: See Labourers.

Forging Tokens or Letters, See Counterfeisers.

Gold.

Goldsmith and Gilding.

1. IF any Goldsmith, or worker in Silver shall worke any Silver that is not so fine in allay as the Sterling, shall not set his marke upon his worke before he set it to sale, he shall forfeit the double value. 2 Hen. 6. 14. Poul. 6.

2. If any Gilder shall offend against the Stat. 8 Hen. 5. concerning the gilding of metall and other thing he shall forfeite tenne times the value of the thing gilt, and be imprisoned a yeare. 8 Hen. 5. 3. & Poul. 7. Just. 48.

Good-behaviour.

Against whom sureties of the good behaviour may be granted.

Sureties of the Good-behaviour shall be granted against common Barrators, common Quarrellers, and common breakers and perturbors of the peace, and also against Ryoters, against such as lye in waite to Robbe Maime, or Kill, or shall Assault any person, against such as are suspected to be Robbers.

bers upon the highwaies, against such as are like to commit Murther, or other greivances to the Kings people; and also against such as be of an evill name and fame generally, or in the place where they remaine. 2 *Edw.* 3. 6. 34. 24. 3. 1. & *Poulton* Just. 18. & *Dalt.* fol. 160.

Also against him that is suspected to have gotten a Bastard, *Lamb.* 122. Also against Evesdroppers; also against Night-walkers, and such as shall sleep in the day, and goe abroad in the night, or use suspicious persons company, or shall commit Outrages, &c.

Guns and Crosbowes.

VV Hosoever shall shoot in, or keep any Gunne, Dag, Pistoll, Crosbow; or Stonebow, or shall carry in his journey any Gunne, Dag or Pistoll charged, or Bow bent, in time of War, or to or from battles, except he have in his owne or his right, *100^l per annum*, in Lands, Tenements, Fees, Annuities, or Offices, shall forfeit for every offence ten pound to the King and Informer.

The length
of a hand-
gun, hig,
but demi-
hake.

Who may
take away
the Gun or
Crosbow
from the
offender.

Shooting in
a City or
Market.

The Master
commanding
the Servant
to shapete,

33 Hen. 8. 6. & Poult. 1. 8. 3.
2. Whosoever shall shoot in, can-
keep, use, or hand any Gun but
as in stocke and gunne shall be a
long; or in any Hagge, Demihale
Dag, or Pistoll, not being three quar-
ters of a yard long, shall forfeite
every offence 10. l. 33 Hen. 8. 6.
Pault. 2.

And every person having a roo-
per annum, may seize and take away
any that is shorter, but must breake
within twenty dayes after, under
penalty of 40. l. He may also take away
every Crosbow from any not having
Lands, &c. as aforesaid, and keep it
his own use, 16 d.

3. Whosoever shall shoote in
Gunne, &c. neere to a Market-town
except for defence of his person or
house, or at a but or bank of earth
a place convenient, shall forfeite for
every shoot ten pound to the King
and Informer. 33 H. 8. 6.

And if any person under the
grace of a Lord of the Parliament
shoot in a Hand-gunne in a City
Towne at any mark upon a Church
House, or Dove-Coat, shall forfeite
ten pound, and be imprisoned for three
moneths. 2 Edw. 6. 14. & P.

4. If a Master command his
servant to shoot otherwise then is aforesaid

id, he shall forfeite tenne pound.

The King must commence his suite *Nota.*
within one year, and every other per-
son within a yeare after the offence was
committed, for any penalty or forfei-
ture given them by this Stat. 33 H. 8. 6.

5. Every man may arrest an offen- Every man
der against this Statute, and carry him may arrest
before the next Justice, and such bring an offender.
shall have halfe the forfeiture.

Hen. 8. 6. & Poulton 6. &
45.

6. Whosoever shall shoote haile- Haile shot.
or more pellets then one at one
time, unlesse he be thereto licensed,
shall forfeite tenne pound, and be three
months imprisoned. 2 Ed. 6 14. &
10.

See 33 Hen. 8. 6. & P. Who may
keep, or
shoot in
guns,

See Pheasants.

Shooting at
Fowles, or
Hares,

as are licensed to shoot at hawks
may not shoot at other Fowle
are mentioned in their Licenses,
otherwise, nor elsewhere then is
owed by the Stat. 1 Jac. 27. And
if

Licence to
shoot at
hawks meat,

Hawks and Hawking.

if it be not contained in their licenses at what Fowles they shall shoot or if any of them so licensed, shall be bound in twenty pound not to shoot at any other Fowle, then the License or Placard to be voyd, 1. 27. 33 H. 8. 6. et P. 9. et Pheasant et Just. 38,

Hawks and Hawking.

Hawking at
unseasonable
times,

I. **VV** Hofoever shall hawke or destroy or kill any Pheasant or Partridge with Hawke or by colour of Hawking, between the first of *Iuly* and the last of *August*, the same be proved by the parties confession, or by two sufficient witnesses upon oath before two or more Justices of the peace within six moneths after the offence committed, shall be imprisoned for a Moneth without bayle, and lesse he forthwith pay to the use of the poore there 40. s. for every such hawking at Pheasant or Partridge, 10. s. for every Pheasant or Partridge.

27 Jac. 11.

Hawking in
Corn.

2. Whosoever shall hawke, or Spannels hunt where any eared or

Hawkes and Hawking.

65

And Corne shall be standing and not
locked or copped, shall forfeite to the
owner of the same corne 40. s. 33 E. 10.

P. Pheasants 4.

Whosoever shall unlawfully take Taking
any Hawke, or the egges of any Hawkes or
hawk out of the woods or grounds of their egges
of other person, shall pay to the party out of ano-
ther theirs
treble damages, suffer three ground.

months imprisonment, and be bound
with sufficient sureties to the good be-
haviour for seven yeares after, or else
remain still in prison, and the par-
tye may take his further remedy
for his losse and damages, and may re-
turne the good behaviour before the
yeares be expired. 5 E. 6. 21.

Statute 1. & 3. Just. 34. & 11.

7. 17.

Whosoever shall take any Eirer Take or
Goshawke, Laner or Lanaret, fear hawks,
purposely drive them out of their
habits, or kill them, shall forfeit ten
pounds to the King and the Infor-

And whosoever shall beare any Bearing of
hawk of the breed of England, called English
Goshawke, Tassell-Lanner, hawks,
Lanaret, shall forfeite the same to
the King. 11 H. 7. 17. & P. 4, 5. &

Whosoever shall finde a Hawke Concealin^g
lost, and shall not forthwith of hawks
showe it to the Sheriffe of the County lost.

to be proclaimed, but doth steal
or carry it away, or conceale it,
shall be used as a Felon for stealing
Horse. 34 Edw. 3. 22. 37 Ed. 3.
& P. 2.

Hérons.

Taking
Hérons.

V V Hosoever shall take
Heron (out of his
ground) by craft or engine, except
by Hawking or long Bow, shall
feite for every Heron six shillings
eight pence : And whosoever shall
young Herons out of the nest
without licence of the owner of the ground
shall forfeit for every Heron to
the King and Informer. 19 H. 7.
P. 1. & Just. 35.

Shooting at
Hérons with
gun or bow.

See Pheasants.

Highwaies.

If the Constables and Church-wardens of any Parish shall not early in Easter week chuse Surveyors mending the Highwayes, and appoint six daies for that purpose, according to the Statute, they shall be fined.
3. P. & M. 3. 29 Stat. 5. & P.

By whom,
 and when
 Surveyors
 shall be
 chosen,
 Six daies.

If any Surveyor refuse to take him the Execution of the sayd office, he shall forfeit twenty shillings.

Surveyor
 refusing his
 office.

If any person having a Plow-land in tillage, or pasture, keeping a plough, and shall not finde a waine or cart furnished to worke his land, he shall forfeit for every of the sayd daies making default, ten shillings.

The charge
 of a Plow-
 land.

Plow-land is so much as one can plow in a year. *Dalt. fol. 53, &c*

What is a
 Plowland.

If any of the carriages of the Parish shall not be thought needfull by Surveyors to be occupied upon any of the sayd daies, then such person as should have sent carriage, shall send for such carriage so spared, two able men to labour for that day, upon paine to forfeit for every man not sent. *12. d.*

Two men
 instead of a
 carriage.

2 & 3 P. & M. 8. 5. *Eliz.* 13. 39 E.
5. & P. 3.

Cottager.

4 If any Houſholder, Cottager
or Labourer having no Plough
Daught ſhall not by himſelfe or
other worke eight houres of the
fix daies in the highwaies, he ſhall
feite for every default 12. d. *Ibid.*
Poul. 4.

Taking o-
ther mens
rubbish,
ſtones, or
gravell.

5. Surveyors may by their diſcre-
tion rake other mens rubbish, ſtones,
gravell upon their grounds for an-
ding the highwaies, but muſt re-
pairs againe within one moneth
ſuch digging, upon paine to forfeit
the owner 5 Markes. 5 *Eliz.* 13.

Turning a
water
couſe.

6. Surveyors may alſo turne a
couſe, being noylome to the
waies into any mans ground
ning *Ibid.* & P. 6.

Fences, dit-
ches, and
trees in, and
neer the
highwaies.

7. If the hayes, fences, ditches,
hedges next adjoyning to any
way, ſhall not be diked, ſcoured,
paired, and kept low, and all trees
buſhes growing in the ſame cut
the owners ſhall pay for every do-
ten ſhillings, 5 *Eliz.* 13. 18 *Eliz.*
& P. 7.

Present-
ment of the
offences.

8. If any Surveyor ſhall not
one month next after any offence
againſt the meaning of theſe Statutes
preſent the ſaid offence to the juſtice
of peace, he ſhall forfeit for every

Highwaies.

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ffence not presented 40. s. And the
me Iustice not certifying it at the
xt Sessions. 5 *El.* 13. 29. *Elizabeth.* 5.

P. 8.

9. If any offender shall obstinately ^{Refusing to}
use to pay his forfeitures, &c. within ^{pay the for-}
dayes after lawfull demand, he shall ^{feitures.}
forfeite double the sum he should have
paid, *ibid.* & P. 9.

10. If any person being assisted in The charge
of Subsidy to 5. l. in goods, or 40. s. in
ment 5. l. or
shall not finde two able men 40. s.
to labour in the highwaies, he
shall be fined. 18 *El.* 10. & P. 12.

3. Whosoever shall occupy a plow-
land in tillage or pasture lying in seve-
rall parishes, shall be chargeable to the
charge of the waies in the parish
where he dwelleth. 18 *Elizabeth.* 10. &

3. Whosoever shall keep in his Having se-
verall ploughlands in severall verall plow-
lands, shall be charged with the re-
charge of the highwaies within the-
verall pari-
shes.
all parishes where the said lands
18 *Elizabeth.* 10. & *Poulton,*
Elizabeth.

Every person that shall occupy Ditching &
lands adjoyning to any highwaies scouring.
any ditchidg or scouring ought
shall ditch & scoure in his ground
to convey the water out of
highway, [upon paine to forfeit for
every

**Casting
soyle into
the high-
way:**

every rod not so done 12.d. 12 *Ed. 1.*
& P. 15.

14. Whosoever shall occupy any
adjoyning to any highway leading
any Market-town, and shall cast or
the scouring of any ditch into the hi
way, and shall suffer it to lye there
the space of six moneths to the anno
ance of the highway, shall forfeit
every load 12.d. 18 *Eliz.* 10. & P.
16.

**Sluces to
convey the
water into
the ditch.**

Where any soyle hath been lo
into the highway, that there is a
between the sayd highway and
ditch, the Surveyors and workmen
make Sluces to convey the water
the ditch, *Ibid.*

**How, & by
whom the
sayd penal-
ties shall be
levied and
imployed.**

See 2 & 3 P. & M. 8. 18 *El.* 10.
10, 11. & 17.

**The wayes
shal be 200.
foot broad:**

15. If any Lord of the soyle sh
enlarge the highwaies from Marke
foot broad: Market, so that no dike, bush, or
(except great) be within two hund
foot of each side thereof, for the
preventing of Robberies and Mur
he shall answer for any Felony
therein, and for Murther shall be
at the Kings pleasure. Stat. Willelm.
13 *Ed. 1.* 5. & P. 18.

Bridges.

16. A remedy where it is not

High-waies, & Bridges.

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boought to make or repaire Bridges.

H. 8. 5. & P. 1. 2. & 3. 4. & 5. &

ult. 70.

If a man of his own accord shall Note
make or mend a Bridge, this shall not
inde him at any other time; yet if he
and his Ancestors, or any Corporation
ve done it time out of mind, although
e of right, yet such continuance shall
nd them and their heirs or successors.

Dalt. fol. 34.

If a man make a Bridge for easement Note:
his Mill, and that decayeth, the party,
or any other shall be charged to repair
it, for it is no common passage. *Dalt.*

34.

Such as are chargeable to repaire
idges, may enter upon any other Note.
ons land or soyle adjoyning, and
y lay their stone, lime, timber, or
r necessities for the repairing
roof, and the owner of the lands
ll have no action against them
efore, because it is for the common

Dalt. fol. 34.

Horses.

Horses.

Horses to
be bred and
kept.

THe Justices of peace in their quarterly Sessions may enquire of, hear and determine all defaults and offences done contrary to the Statute of 31 H. 3. & 33 H. 8. 5. concerning the keeping and breeding of Horses, see 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. Just. 47, 48.

Horse stealers.

Horse stealers nor their accessories before or after shall not have their Clergy. 3 Ed. 6. 33. 31 El. 12. & P. Clergy

Concerning stealing
Horses, see Faires, &c.

Huy and Cry.

Huy & Cry 1,
must be
made,

All Huy and Cry ought to be made from Town to Town, from Countrey to Countrey, and horse men and footmen, otherwise

Huy and Cry.

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no lawfull pursuit. 27 *Eliz.* 13. & P.

9.

2. Whosoever shall raise Huy and Cry without cause, or being raised upon a good cause, shall refuse to pursue and arrest Felons, or such as have dangerously hurt any man, shall be fined at the Kings pleasure. 3 *Edw.* 1. 9. & 1.

3. Huy and Cry shall be levied against him that wil not obey the Watch the night,

What the party robbed ought to do which will take any benefit by vertue the Stat. of Huy and Cry. 27 *El.* 13. P. 8. 10.

Hunters and Hunting.

VWhosoever shall in the night unlawfully enter, and hunt, take, or kill any Conies, shall suffer three moneths imprisonment, pay to the party greeved treble damage and cost, and be bound with othes to be of good behaviour seven years after. 3 *Jac.* 13. & P. Forrests 11.

Hunting
Conies in
the night in
any Park or
Warren.

Whosoever shall by night or day unlawfully enter into any Parke impark, or other severall grounds inclosed
for

for the keeping of Deer, and therein lawfully hunt, drive, or chase out, take, kill, or slay any Deer against the will of the owner or occupier of the same, shall suffer three moneths imprisonment, pay to the party greived a pound, or treble damages and costs at his election. 7 *Jac.* 13.

Quere;

Quere if he shall not be also bound to the good behaviour for seven years after according to the Stat. 3 *Jac.* 13.

Hunting in the night disguised.

3. To hunt in the night in any Forest, Park, or Warren, with Vines or other disguisements, and to commit the same, or any offender upon examination before a Justice of the peace to disobey any arrest for such hunting or to make rescues thereupon is felony; but to confesse the truth against the King; But trespassable by the Justices at the Sessions. 1 *Hen.* 7. 7. & *Poult.* 4. *Just* 16.

Felony;

4. Whosoever committeth trespass in Parks, shall make great amends to the party, be three yeares imprisoned and bound with sureties not to commit the like offence, and be also fined at Kings pleasure. *Westm.* 1. 3. *Ed.* 1. 3. *P. Forrests* 3.

Trespass in parks,

Buckstalls;

5. Whosoever having no Park shall keep, or cause to be kept any Deer Hayes, or Buckstalls, shall forfeit every moneth tenne pound to any

Hunters and Hunting.

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will sue for it by action of debt, &c.

The like penalty for every time for any that shall stalke, or cause others to stalke with bushes or beasts at any Deer without the license of the owner.

9 Hen. 7. 11. & Poulton 2, & 3. & Just. 35.

6. Whosoever shall have or keep any Grayhound for coursing of Deere or Hare, or setting Dogge or Net to take Pheasants or Partridges, unless he have inheritance of ten pound *per annum*, freehold of three pound *per annum*, or worth in goods two hundred pound, or be the sonne of a Knight, &c. or son and heire of an Esquire, &c. shall be three moneths imprisoned, unless he forthwith pay to the use of the poore there 40. s. 1 Jac. 27. & P. Pheasants, 7.

Keeping of
greyhounds,
setting dogs
or nets.

7. If any Artificer, Labourer, or other Layman not having Lands or Tenements of 40. s. *per annum*, or any spirituall person, not having Living worth 10. l. *per annum*, shall have or keep any Grayhound, Hound, or other Dog to hunt, or shal use Ferrets, Hayes, Nets, Harepipes, Cords, or other engines to take or destroy Deer, Hares, Conies, or other Gentlemens Games, he shall be imprisoned by the space of one year. 13 R. 2. 13. & P. 1. & Just. 36. And if any person not having lands, Net

None shall
hunt but he
that hath
sufficient
living.

or not worth in goods 200. l. And shoot with gun or bow at Deer or Conies, or shal keep any Buckstals or engines, hayes, gate-nets, purse-nets, fets, or conic-dogs (except Keepers, Warrenners, and owners of Parks, who can make 40. l. *per annum* of the increase of Conies) every man having 200. l. *per annum*, may seize, and take and keep to his own use for ever, his Guns, Bowes, Buckstals, &c. 3 *luc.* & P. Foresets 10.

Selling Deer
or Hare.

See Pheasants, 6.

Tracing or
shooting at
Hares.

See Pheasants, 3.

Hunting in
corn.

See Hawking in Corn.

Husbandry and Tillage.

See 39 *eliz.* 1, & 2. & P. 1. & *luc.* 44.

Whosoever shall offend against the said Stat. shall forfeite 20. l. for every Acre of Land converted from Pasture to Tillage, whereof one third part shall be the Kings own use, one other third

part to the King for relief of the poor
of the parish, and one other third part
to any that will sue for it. 39 *Elix.* 2.
P. 24.

Note that no offender shall be im-
peached or sued by vertue of this Act, ^{within}
unlesse such suit be commenced within ^{what time}
two years after the offence done, *ibid.* ^{the offend-}
P. 26. ^{ers shall be}
^{sued.}

Indictments, and Pre- sentments.

ALL Indictments and Present-
ments ought to containe cer-
tainty, and therefore most commonly
the principall things be requisite in
presentments before the Iustices of the
peace.

1. The Name, Sirname, addition of
the partie indicted.
2. The year, day, and place in which
the offence was done.
3. The name of the person to whom
the offence was done.
4. The name and value of the things
in which the offence was committed.
5. The manner of the fact, and the
circumstance of the offence, as the manner of
Parricide, Treason, Murder, Felony or Tres-
pass, &c. *vid. Lamb. fol. 487.*

What words not necessary in Indictments. See 37 H. 8. 8. & P. 1.

Processe against Inditees in another County. 5 Ed. 3. 14. & P. 5.

Indictment of persons dwelling in forreine Counties. 8 H. 6. 10. & P.

Processe upon Indictment of Felons. See 25 Ed. 3. 14. & P. 5.

Where Justices of the Peace may charge one Enquest to Indict another. 3 H. 7. 1. & P. Jurors 9. & Just. 46.

By what persons and by whom panelled all Indictments shall be made. P. Jurors 7.

Indictments taken before Sheriffs in their Turns shall be delivered to Justices of Peace of the same Shire, under the pain of 40. l. 1 Ed. 4. 2. & Sheriffs 12.

Justices of peace may award Processe against them that be indicted in their Turn *Ibid.* & P. 13.

Informer.

IF any Informer or Promoter shall compound or agree with any person for any offence against any personall Law, without the order or consent of some of the Courts at *Westm.* or shall willingly delay or discontinue his suit once commenced, he shall lose 10. l. and stand on the Pillory two houres. 18 Ed. 5. & 27 El. 10. & P. Action popular. 4. 5.

Inholders.

NO Inholder dwelling in any Horse-bread Market-Towne, wherein is a common Baker that hath been Apprentice there seven years, shall within his own house make any Horse-bread, nor dwelling in any other through-out the shire, shall make it insufficiently, and for of due Assize, upon paine to forfeite the treble value. 13 R.2.8. 32 H.4.1. & P.2. & Just. 50.

No Inholder or Hostler shall take any thing for Litture, nor excessively sell Hay, nor above a halfe penny in a bushell for Oates above the common price in the Market, upon pain to forfeite the quadruple value of that which he shall take more. 13 R.2.8.4 H.4.25. & P.1. & Just. 50.

Inholder keeping misorder, see Ale-houses 1, &c.

Inrollements.

ALL Deeds to be inrolled must be inrolled within six moneths after the Inrollements of bargain and sale of Lands.

the date reckoning 28 dayes to ever
moneth, and must be indented Return
And if it have no date then within the
6. moneths after the delivery, and it
be inrolled the last day of the 6.
moneths it is good, and any one Justice
of the peace may joyn with the Clerk
of the peace, in taking the Inrollement
of an Indenture of bargain and sale of
Lands &c. lying in the County where
he is Justice. 27 H. 8. 16. & P. 1.

Jurors, Iuries, & Enquests.

Juror taking
bribe to
give his
verdict.

1. IF any Juror in an Enquest shall
take any thing to make his Pre-
sentment favourable, he shall forfeit
decies tantum, and if he have not so
much, he shall be one year imprisoned.
34 Ed. 3. 8. 38 Ed. 3. 12. & P. 4.

No Juror
returned
without his
addition.

2. If a Juror be returned without an
addition, by which he may be known
the party that returned him, shall lose
5. Marks to the King, and as much to
the party greived.

Gathering
issues not
due.

The like penalty for gathering Issues
when they are not due. 27 Ed. 3.
P. 33, 34.

See more concerning Jurors, Part
8, &c.

3. Jurors

Jurors, Iuries, & Enquests. 183

3. Jurors to enquire of forcible entry, ought to have Lands or Tenements of the clear yearly value of 40. s. 19 H. 6. 9. & P. 12.

The sufficiency of Jurors to enquire of forcible entries

4. Jurors returned to enquire of a Riot, Rout, or unlawfull Assembly, must have Lands in that county of 20. s. of Freehold; or 26. s. 8. d. of Coppyhold, *ultra reprises*, upon every of which, the Sheriffe ought to returne 10. s. in Issues for the first day, and 10. s. at the second day, 19 H. 7. 13. & P. Riots 14.

Sufficiency of Jurors to enquire of a Riot, Rout, &c.

But if it be upon a Commission, Nota. then the Jurors ought to have 10. l. *per annum* at least, *ibidem*, & P. 7.

Laborours.

1. If any Clothier, Taylor, Shoemaker, Tanner, Baker, Miller, &c. shall retaine any servant to worke in his Science or Art for lesse then a year, the Retainer shall be void, 5 s. & P. 1.

What persons shall not be retained under a year.

2. Who are compellable to work in Refusing to handycrafts and Husbandry, *ibid.* & serve.

3. Who are compellable to work in *ibid.* P. 13.

4. If

Giving or
taking wa-
ges contrary
to the Sta-
tute.

4. If any person shal give any wages contrary to the rates of wages of servants and Labourers appointed, and proclaimed, he shall be imprisoned 10 dayes without bayle, and forfeite s. l. and every person taking such wages and being thereof convicted, shall be imprisoned 21. daies without bayle, *El. 4. & P. 4.*

How the wages shall be rated, see *P. Inst. 66.*

Putting a-
way a ser-
vant.

5. If any person shall put away his servant before the end of the terme without a reasonable cause allowed by a Iustice of the peace, or at the end of his terme without a quarters warning before given, he shall forfeit 40. s. *El. 4. & P. 5.*

The servant
departing
from his
Master.

And if any servant shal depart without such cause before the end of his terme, or at the end thereof, without such warning given before two lawful witnesses, he shall be imprisoned without baile, till he be bound to the party to serve and continue with him, *ibid. & P. 6.*

Servants
shall not de-
part into o-
ther townes
without te-
stimonjall.

6. If any person retained in husbandry, or other the Arts before mentioned, shall after his retaine expired, depart out of one Country, City, Towne or Parish, to another without a Testimonial declaring his lawful departure, he shall be imprisoned till he procure such Testimoniall, which if he cannot

do within 21 dayes after the first day of his imprisonment, then he shall be whipped, and used as a Vagabond, *ibidem*, & P. 7.

And every person which shall retain any such servant without shewing such Testimoniall, shall forfeite for every such offence 5*l.* 5 *El.* 4. & P. 8.

And if any such persons shall be taken with a counterfeite or forged Testimoniall, he shall be whipped as a Vagabond. P. 8.

No servant shall be received without shewing his testimoniall.

Counterfeite testimonials.

7. How long Workmen shall continue at their Labour. 5 *El.* 4. & P. 9.

8. If any shall undertake worke by the great, and shall unlawfully depart before it be finished, he shall forfeite 5*l.* to the party from whom he shall so depart, and be imprisoned a moneth, 5 *El.* 4. & P. 10.

Undertaking worke and not finishing it.

9. If any Servant, Workman, or Labourer, wilfully, and maliciously make any assault or affray upon his Master or Dame, or other person, having the Charge of such workers or worke, he shall suffer one years imprisonment, or less, at the discretion of the Justices, and such further punishment as they shall think fit, not extending to life or limb, 5 *Ric.* 2. & P. 12.

10. Women of the age of 12 yeares and under 40. and unmarried, may be compelled to serve, 5 *Eliz.* 4. & P. to serve.

Servants
embezzling
their Ma-
sters goods.

11. Servants of the age of 18 years, and not being an Apprentice, going away with, or converting to his own use any Money, Jewels, Plate, Goods, or Chattles of his Masters or Mistres, and of his or her delivery to keep, of the value of 40. s. to the intent to steale the same, is Felony. 21 H. 8. 7. 5 El. 10. & P. Stealing 1.

Labourers, Servants, and Apprentices.

Taking Ap-
prentices
contrary to
the Statute.

12. Whosoever shal take an Appren-
tice contrary to the Law, shall forfeit
for every Apprentice 10. l. 5 El. 4. &
Poulton 2. 6.

None shall
occupie any
craft, but
which he
hath bin an
Apprentice.

13. Whosoever shal exercise any ar-
or manuell occupation used, 5 El. not
being brought up therein, as an Ap-
prentice seven years, or shall let any to
worke in it, which is not a workman,
or Journey-man by the yeare, or hath
served as an Apprentice 7 yeares, shall
forfeit for every moneth 40. s. 5 El. 4.
& P. 20.

A remedy
for an ap-
prentice
misused by
his Master.

14. If any disagreement shal be be-
tween a Master and his Apprentice,
which cannot be reconciled by a Ju-
stice

Labourers, Servants, &c.

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Justice of the Peace, &c. for want of Conformity in the said Master: Then the said Justice shall take Bond of the Master to appeare at the next Sessions, and upon his appearance, and hearing of the matter, the Justices there, or four of them at the least, whereof one to be of the *Quorum*, may discharge the said Apprentice by writing under their hands and Seals; or punish him as by their discretions shall be thought meet, 5 El. 4. & P. 25.

An Apprentice cannot be dischar. Nota. unless by writing.

How and by whom any money given to any Town, for binding out Apprentices shall be imployed, See 1 Jac. 3.

Servants departing into another shire Nota. 4. & 5. P. 28.

Labourers or Workmen conspiring for the order of their work, See Artificers,

Larceny

Larceny and petty Larceny

Larceny.

VWhoever shall feloniously take the Goods of another exceeding the value of 12. d. removed from the body or person, it is Larceny and punishable by death, except he be saved by his book.

Petty Larceny.

But if the thing stolne be under value of 12. d. it is petty Larceny, not punishable by death, but he shall forfeite his goods and chattles.

Leather, Tanner, Currier.

Who may be a Tanner.

See 1 Jac. 2. & P. 4.

A Tanner shall not be a currier of Leather.

A Tanner shall not use any other Trade, cutting or working Leather, mul. & semel upon paine to forfeit his hides and skins. 1 Jac. 22. & Poulton.

How hides shall be used in tanning.

See 1 Jac. 22. & P. 9.

: W

3. Who may buy rough hides or Calves skins, or tanned Leather not wrought, *ibidem* & P. 6. & 8.

4. If a Tanner shall raise his hides with any mixtures contrary to the Stat. shall forfeit the same hides, 1 Jac. 22. *Raising of hides with mixture.*

5. Whosoever shall put to sale, or part with any untanned Leather red and unwrought, but in open Faire or Market in the place therefore prepared, unless it hath been first lawfully searched and sealed according to the Stat. or shall offer to put to sale any Leather before it be searched and sealed according to the Stat. shall forfeit every Hide or peece of Leather 6. s. 4. d. and for every dozen of Calves skins or Sheep skins 3. s. 4. d. and the hides or skinnies, or the value of them. 1 Jac. 22. & P. 11. *Sale of tanned Leather red or unwrought.*

6. Shall be forfeited, *ibid.* & Paul. 12.

Leather not sufficiently wrought viz. tanned and dryed.

7. Whosoever shall set his Fats in Anne-hills or other places where the wooses or leather put therein shall or may take any unkind heate, or shall set and put any leather into any hot or warm woose, or shall tan with any hot or warm wooses, shall forfeit for every offence ten pound, & stand on the pillory *Leather unkindly heat.*

pillory three Market-daies, *ibid.* & 13. & 45.

Curriers:

8. If any Carrier shall currey Leather contrary to the Stat. 1 Jac. 1. or shall spoyle or hurt any Leather scalding, shaving, or gashing it, shall lose for each skin marred a Noble (except gashing) and for gashing double so much as the Leather is compared. 1 Jac. 22. & Poulton 17. 45.

A Currier shall not use any o. other trade cutting leather.

9. No Currier shall be a Tanner, Cordwainer, Shoemaker, Butcher, or other Artificer cutting Leather, *small jewel*, upon paine to forfeit three eight pence for every skin. 1 Jac. 22. & P. 20.

Within what time leather shall be curred.

10. If a Currier shall refuse to curre within eight dayes in summer, and fourteen in winter, any Leather brought him by any Cutter of Leather or his servant, bringing with him good proof for liquoring the same, he shall forfeit for every hide 10. s. 1 Jac. 22. & Poulton 21.

The penalty for not appointing Searchers.

11. If a Lord of a Faire or Market shall not yearley appoint and swear Searchers, Sealers, Tryers of Leather according to the Stat. he shall forfeit for every default five pound, and if the persons so elected and appointed shall not forthwith do their duties, they shall also forfeit five pound for every default. 1 Jac.

Jac. 22. & *P.* 32. *vide Poulton* 26.

12. If any Searcher, or Sealer of Leather shall refuse with speed to seal good Leather, he shall forfeit for every offence 40. s. Or if he shall take any bribe, or exact any undue Fees, he shall forfeit for every offence 20. l. or shall refuse to execute the sayd office, he shall forfeit 10. l. *1 Jac.* 22. & 31.

A Searcher omitting his duty, or taking bribes.

Denying of the office.

13. Whosoever shall deny or withhold any such Searchers, he shall forfeit for every time 5. l. *ibid.* & *P.* 36.

Denying of Search.

14. Whosoever shall put away any tanned Leather red, and unwrought, without registering the same, and the seller shall forfeit the value of the Leather. *1 Jac.* 22. & *P.* 36.

Selling leather not registered.

15. Whosoever shall buy any tanned Leather before it be searched & sealed, carry it out of any Market or Faire, or it be registred, shall forfeit the value, or the value. *1 Jac.* 22. & *P.*

Buying leather not sealed or registred.

16. If any Shoemaker shall make a Boots, Shooes, &c. contrary to the law: Or shall shew to the intent to make any Shooes, Bootes, &c. on the Sunday, shall forfeit for every 3. s. 4. d. and the true value of the same. *1 Jac.* 22. & *P.* 33.

Shoemaker.

1 Jac. 22. & *P.* 41. & 45. For Leather shall not be sold to him that

that will sell it *ibid.* & *Poulton*

Liveries and Retainers.

1. If any person by himselfe or other for him shall give any Livery Sign or Company, or Badge, or retain any man other then his household servant, Officer, or learned man in Law, he shall lose 5*l.* and the residue as much, for every moneth that he is retained. 8 *Ed.* 4. 2. & P. 5.

Mayme.

Mayme.

VWhoever shall mayme any other of any member, whether by he is lesse able to fight, as by putting out his eye, striking off his hand, finger, or foot, beating out his fore-teeth, or breaking his scull, shall be greivously fined. *Lamb.* 429.

Mayme

Maintenance, Champerty,
Embracery.

See Riots.

See P. forcible entry 6.

2. Whosoever shall unlawfull main-
tain, or cause, or procure any unlawfull
maintenance in any Action, Suite, De-
mand or Complaint in any of the
King's Courts, &c. or shall unlawfully
maintaine for Maintenance of any Suit or
Action, any person or persons, or im-
pugn any Freeholders or Jurors, or
comprom any witness by letters or other-
wise, for to maintaine any matter or
cause, to the disturbance or hindrance
of Justice, or to the procurement or
excuse of any manner of perjury by
false verdict, &c. shall forfeit for every
offence 10. s. 3 2 H. 8. 9. & P. 4.

But note that the Suite must then be
commenced within a yeare after the
offence.

1. Champertor is he which moveth
suits and suites, or causeth or procureth
them to be moved at his own costs, to
have part of the Land, or o-
ther

Mainte-
nance in in-
quiry of Ri-
ots, Riots,
&c.

Forcible en-
tries by
maintenance

Mainte-
nance of
suits.

Champer-
tors.

ther thin in variance, and he that
thereof attainted shall be three years
imprisoned, and further punished at
Kings pleasure, 33 Ed. 1. & P. 5.

Embracers.

4. Embracer is he which cometh
to the Bar with the party, and spee-
keth in the matter, and is there to in-
vey the Jury. P. And he shall be pun-
ished as a Juror which taketh reward
to give his verdict.

See Jurors, & P. Jurors 5, 6.

Manslaughter and Murder

Manslaughter may be { By Chance
medley, or
misadventure

**Chance
medley.**

**Se defen-
dendo.**

Chancemedley, is when men
by meere Chance, and upon some
looked for occasion, without any
mer malice, and one of them is slain.
Se Defendendo is when one killeth an-
ther in the necessity of his owne
fence, and cannot otherwise do
with his life from him. But then
must fly to far as he may, and till he
letten by some wall, hedge, ditch, or
of people, or other impediment,

Manſlaughter, &c. 95

withſtanding ſhall be committed
all the time of his tryall, and ſhall loſe
his goods and ſeek his pardon.

Note the caſe of *Darnel* and *Brouſer* Nota.
Herford Affizes 1619.

Miſadventure, is when a man is do-
ing a lawfull act without evil intent,
and another man is ſlaine unawares
thereby: As if a Labourer do worke
with an Axe, and in fetching of his
ſtow, the head of the Axe flyeth off, and
ſlith one ſtanding by, &c.

Note that he which is acquitted of *Nota.*
murder or Manſlaughter at the Kings
Court, muſt be committed to priſon, or let
remain in priſon till the year and day be
come, and the party greived may in the
mean time commence his appeale, 3 H.
1. & P. 4.

Murder ſhall be intended of them *Murder.*
which be feloniously ſlaine, and not
where an act is done by miſfortune.
Wh. 32 H. 3. 26. & P. 6.

Whoſoever ſhall commit any wilfull *Poyſoning.*
murder, or wilfull poyſoning of malice
premeditated, ſhall ſuffer death, and not
the Clergy. 1 Ed. 6. 12. & P. 5.

In caſe of poyſoning, the party muſt
be brought therein within a year and a day af-
terwards. *Dalton 213.*

Whoſoever ſhall ſtab or thruſt ano- *Stabbing.*
ther that hath not then any weapon
upon him, nor firſt ſtrucken, the party ſo
doing, or thruſting, ſo as the party
be ſtabbed

stabbed or thrust do die thereof within six moneths after, shall suffer death, not have Clergy. 1 *Iac.* 8. & P. 7.

Malt.

Malt to be
three weeks
in the whole
time of ma-
king.

HOW long Malt ought to be in Fat-floore, steeping and drying And whosoever shall do contrary thereto, and be thereof convicted by the sentiment of 12. men, or two sufficient witnesses, shall forfeite for every quarter 2. s. 2 *Ed.* 6. 10. & P. 1.

Such as mingle good Malt with to sell, shall forfeit to the King and for every quarter so put to sale 2. s. 6. 10. & P. 2.

Whosoever shall put to sale Malt not being well trodden, sifted, bed and fanned, shall forfeite for every quarter 20. d. 2 *Ed.* 6. 10. & P. 3.

Nota:

Malt made for a mans own use or consumption is excepted out of this Statute. *Ibid.* & P. 5.

And all offenders against this Statute must be sued or presented within one year after the offence, *Ibid.* P. 5.

Milch-Kine.

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Whosoever shall be lawfully discharged and suppressed touching his making of Malt, and will not accordingly forsake, shall be three daies imprisoned, and before his enlargement become bound in 40.l. to obey such suppressing. Eliz. 1. 6. & P. 6.

The number of Maltsters may be restrained.

Milch-Kine.

Whosoever shall feed above a 120. shorne sheep for the part of the yeare upon his grounds which be severall and for Milch-Kine, and shall not for every sheep keep one Milch-Cow, and recover for every sixscore sheep to reare one Calfe during the time of keeping such sheep, shall forfeit to the King and Informer for every Cow not kept, for every Moneth 3. s. and as much for every Calfe not reared, 2 & 3 P. & M. 3. & Pontton 3.

A Cow shall be kept for 60 sheep.

A Cow for 10 beasts feed, and for every two Kine a Calf.

Whosoever shall feed upon his severall Pastures above 20. Oxen, Rounts, Scrubbes, Heiffers, Kine, and shall not for every 10 beasts keep one Milch-Cow, and for every two Kine weane

Mortuary.

weane and reare up yearly one Cal
(except it dye) shall forfeit *at ant*
Provided that no person shall be com-
pelled to keep any Kine, or reare an
Calfe for such sheep or other bea
which he keepeth or feedeth to be
in his house. 2 & 3 P. & M. 3. 13 & 14
& P. Cattles 4.

Mortuary.

The duty
for all
Mortuaries.

IF any Spirituall person, or any
him shal take Mortuary (corpes
sent) or any thing for the same in a
place where the same was not used to
given; or shall take in places wh
Mortuary are used, any thing for Mo-
tuary where the goods of the dead
under ten Marks, or more then 3. 4.
where the goods shal be of the value
ten Marks, and under 30. l. or above
8. d. where the goods shal be under
or above ten shillings where the goods
shall be above 40. l. he shall forfeit
much as he shall take, over, and
40. s. to the party greived. 21 H. 8. 6.
P. 1. 3. 7.

Maso

Masons.

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Masons.

TO cause Masons to congregat
themselves i Chapiers is felony :
And the Masons which come to such
Chapiters and Congregations shall be
punished by imprisonment of their bo-
dy and make fine and ransome at the
Kings pleasure, 3 H. 6. 1. & P. 1.

Matrimony and Bigamy.

Any person being married shal mar-
ry any other, the former husband or
wife (being other then such person
whose husband or wife hath remained
beyond the seas 7 years together, or hath
sentenced him or her selfe one from the
other seven yeares together within the
kingdome, the one not knowing the
other to be living, or that was before
lawfully divorced, or whose former
marriage was void by Law, &c.) every
offence shall be Felony. 1 Ric. 11.

To marry,
the former
husband or
wife living,
is felony.

F

& P.

& P. 8. 9. But he shall be allowed Clergy, P. Clergy 17.

Ordinary.

IF any Ordinary or his Scribe or Clerke, &c. shall take greater Fees than are allowed by the Stat. 21 Hen. 3. for the probate of a Testament, or Letters of Administration, he shall forfeit for every offence tenne pound to the King and the partie greived. And money so over to the partie greived so much as he shall take contrary to this Act. 21 Hen. 3. & P. Probate of Testaments, 1, 2, 3. 12.

Parliament.

VVHo shall bee a Knight of the Parliament, with the manner of their election. See Part 4 & 9.

The order of levying and paying the wages of the Knights of the Parliament.

Perjury. Petty Treason.

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ment, see P. 12. & Just. of P. 52.

Perjury.

A Gainst such as do procure wilfull
Perjury. See the Stat. 5 El. 9. &
1. &c. & Just. of Peace,

Petty Treason.

If a Servant kill his Master or Mi-
stris, or a Wife her Husband, or any
Ecclesiasticall person & is Prelate, it is
Petty Treason, and this manner of
Treason doth give the forfeite of the
cheats to every Lord of his owne
proper Fee. 25 Ed. 3. 2. & P. Trea-
son, 7.

F 2

Pew-

Pewter or Brass.

In what
places pew-
ter ought to
be sold.

IF any Pewterer or Brasier shall sell or exchange any Brasse or Pewter but only in open Faire or Market, or in his house, unless he be desired by the buyer, he shall lose 10. l. for every default. Or if he work any hollow ware of Lay Mettall, which is not according to the Assise of Lay Mettall wrought in London, or set not his Seal or Mark upon the said Ware, he shall lose the value of the Ware, 19 H. 7. 6. 4 2. 7. P. 13. & 5. & Just. of p. 26.

Plague

The making
of vessels.

IF any person infected with the plague and commanded to keep house, notwithstanding wilfully and temerously goe abroad and come in company, having any infection upon him uncured, he shall be judged a Felon, and suffer death, if such person shall not have such found about him, then to be punished as a Vagabond according to the 39 E. 4. and further to be bound to

Playes and Games.

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good behaviour for a whole year. 1 Jac.
31. & P. 4.

Plaies and Games.

VV Hosoever shall by him-
selfe, or any other for his
in or living keep, or maintaine any
common house, Alley, or place of play-
ing at Bowles, Coyts, Clothe, Cayles,
Tennis, Dice, Cards, Tables, Shove-
nour, Foot bal, or casting of the stone,
or any other unlawfull play or game,
shall forfeit for every day 40. s. And
every person using and haunting such
house or place, and there playing, shall
forfeite for every time 6. l. 8. s. 33. H. 9.

Maintai-
nance of
houses for
unlawfull
games.

Playing at
unlawfull
games.

VV Many Artificers of any occupation
any Husbandman, Apprentice, La-
borer, servant at Husbandry, Jour-
neyman, or any servant of Artificer,
Mariner, Fisherman, Waterman,
Servingman (other then of a Noble-
man or of him that may dispend 100. l.
Annually, playing within the pre-
mises of his Masters house) shall play
at Christmas at any of the unlaw-
full Games, or in Christmas out of his

Persons pro-
hibited to
play at un-
lawfull
games.

F 3 Masters

Masters house or presence, he shall forfeit for every time so. 33 H. 8. 9. & P. 3. & 5.

Who shall have the forfeiture, *ibidem* & P. 7. & actions popular 1.

Nosa.

All Actions, &c. upon this Stat. may be commenced within a year after the offence, 33 H. 8. 9. & P. 7.

Players abusing the name of God shall forfeit 10. l. for every offence, 3 Jac. 1. & P. 8.

Poore People.

Overseers of the poore.

V Who shall bee Overseers of the poore of every Parish, and when, and by whom chosen, together with the duty of Overseers, see 43 Eliz. 2. & Parish 2.

2. If any parish shall not be able to relieve their poore, then two or more Iustices of the Peace, whereof one shall be of the *Quorum*, dwelling in, neere the same Parish, or Divided where such parish is, shall and may take any other of other parishes,

out of any Parish within the same hundred, to pay such sum and summes as they shall thinke fit according to the intent of the Law. And if the hundred be not able, then the Justices of the peace, or greater number of them, may at their severall quarter Sessions, rate any other of the parishes thereunto, as they shall thinke fit, 43 El. 2.

3. Whosoever shall refuse to contribute according as they be assessed, shall be distrained by Warrant from any two such Justices, and in default of payment shall be committed to the common Gaole without bayle, till they pay the same, and the arrearages, 43 El. 2.

4. Such poore as will not worke, be-
The punish-
ment of
those which
will not
worke.

Such poore as will not worke, be-
The punish-
ment of
those which
will not
worke.
The greater part of the Ju-
at their generall quarter Sessions
by the argeement of the Lord of
wilt or common, set up habita-
there, for the poore, and place
in the same, 43 El. 2. & P.

The greater part of the Ju-
at their generall quarter Sessions
by the argeement of the Lord of
wilt or common, set up habita-
there, for the poore, and place
in the same, 43 El. 2. & P.

Whosoever shall find themselves
with any Sesse or Tax, or o-
ved

F 4 ther

ther thing done upon the said Statute
43 El. 2. The greater part of the Ju-
stices at their generall quarter Sessions
shall take such order therein as to them
shall be thought convenient, which shall
conclude and bind all parties. 43 El.
2. & P. 7.

7. If the Father, Grand-father, Mo-
ther, Grand-mother and Children, be-
ing of a sufficient ability, shall not
leave their poore and impotent Parents
and Children, in such manner as they
shall be assessed by the greater part of the
Justices at their general quarter Sessions,
every of them failing therein, shall for-
feit for every moneth 20. s. 43 El.
& P. 8.

8. If a parish lie within two Coun-
ties, or part within a liberty, and part
without, the Justices shall not inter-
meddle onely with so much of the
said parish as lieth within their limits
concerning the nomination of Over-
seers, &c. 43 El. 2. & P. 10.

The forfei-
tures for not
nameing O-
verseers.

9. If the Justices of P^{arishes} within the
divisions shall not nominate Overseers
of the poor in every parish according
to the Law, every of them making default
shall forfeit, for every such default
43 El. 2. & P. 11. which shall be levied
in use of the poor of the same parish, and
be levied by warrant from the general
Sessions, *ibid.*

10. How the forfeitures

mentioned shall be levied and imployed
in 43 E. 2. & P. 12.

17. The Iustices of Peace or the
more part of them at their generall
quarter Sessions next after Easter shall
make every parish to a weekly sum, not
above six pence, nor under a half pen-
ny, nor the totall sum of such taxation
of the parish, to be above the rate of two
pence for every parish in the County,
for relief of the Prisoners in the Kings
Bench, Marshalsey, Hospitals and Alms
houses in the County, and shall also
make the sums to be sent to every of these
places, and elect a Treasurer for that pur-
pose, and punish him that refuseth. 43
E. 2. & P. 12, 14, & 16.

If any able person threaten to run
away, and leave their Families behind
in the parish, they shall be punished
as Vagabonds, 7 Jac. 4. see Vagabonds.

Preachers and Ministers of
the Church.Disturbe
Preachers.

1. **VV** Whosoever shall of purpose maliciously and contem-
tuously molest, or by any meanes har-
der or misuse any Preacher lawfully au-
thorised in any his open Sermon or
Preaching in any Church or other
place used and appointed, and his aid
procurers and abettors shall be
moneths imprisoned, and further to the
next quarter Sessions, and then upon
reconciliation before them shall be
delivered out of prison upon sufficient
for his good behaviour to be taken
by the said Justice for one whole year
and a half. 1 M. 3. & P. 1.

2. Whosoever shall by any contem-
tuous words, or advisedly in any other
wise deprave, despise, or revile the ble-
ssed Sacrament of the body and blood
of Christ shall be imprisoned and fined
at the Kings pleasure. 1 Ed. 6. 1. & 1 R.
1. & P. Sacrament 1. & Justice
peace 8.

3. If any Parson, Vicar, or other
Minister shall refuse to use the Com-
mon prayers, or to minister the Sacra-
ments according to the booke of com-
mon prayers, or wilfully standing

any man shall use any other forme in open
prayers, or in administration of the
Sacraments, or shall speake any thing in
derogation of the said booke, or any part
thereof; and shall be thereof lawfully
convicted, shall for the first offence for-
feite to the King the profit of his spiritual
promotion for a year, and be 6 moneths
imprisoned without bayle: and for the
second offence be (*ipso facto*) deprived
of such promotion, and be imprisoned
a year: and for the third offence to be
(*ipso facto*) deprived of such promotion, and
be imprisoned during his life. But
if he have no such promotion, then for
the first offence he shall be imprisoned an
year without baile, and for the second
offence during his life, 1 H. 2. & P. Sa-
crament 1 & 2.

4. VVhosoever shall in any play,
or ryme, or by any open word
speake in derogation of the said booke,
or any thing therein contained, or
shall cause or maintaine any Parson,
or Minister to say any Common
prayer, or to minister any Sacrament in
any manner then after the said booke,
or shall interrupt any Parson, Vicar, or
Minister to say any open prayers, or to
minister any Sacrament, according to
the sayd booke, and shall be thereof
lawfully convicted, shall forfeite to the
King for the first offence 100 Markes,

to

to be payed within six weekes, and in default of such payment to be imprisoned six moneths without bayle, and for the second offence 400 Marks to be payed within the sayd terme, or to suffer imprisonment twelve moneths without bayle; and for the third offence to lose his goods and chautes, and be imprisoned during his life. 1 El. 2. P. Sacrament 4.

Nota.

Such offenders shall be indicted at the next generall Sessions after the offence committed. *Ibidem*, & *Poult* 6. 7.

6. Also if such offenders shall be punished by the Ordinary and his Testimoniall thereof under his Seal they shall not be eftsoones punished by the Justices. *Ibidem*, & *Poult* 9.

Saying or singing Mass.

7. Whosoever shall say or sing Mass, and be thereof lawfully convicted, shall forfeit 100 Marks, and be imprisoned a year, and from thence till he pay the said forfeiture, and whosoever shall willingly hear Mass, shall forfeit 100 Marks and a years imprisonment. 23 El. 1. P. Sacrament 11.

Licenses to such persons.

If any Parson, Vicar, &c. shall grant a Licence for eating Flesh to any person, other then such as plainly appeare to have need thereof, such licence shall be void, and such Parson or Vicar shall forfeit for every such licence

other

Prison and Prisoners.

1111

whereby granted five Markes. 5 *El.* 5.
P. Fishdales, 3.
If any Parson, Vicar, or Curate shall
take above 4. d. for entering into the
church book the license of a sick person
or any flesh upon fishdales, it is extor-
sion, 5 *Ed.* 5. & P. Fishdales 3.
If any parson, &c. shall take above
pence for registering a Testimoniall
of any servant departing from one
place to another it is extortion 5 *El.* 4.
P. Labourers 7.
If the Minister of every Parish shall
keep a Register-booke, and therein
write the substance of every Testimoni-
all made for Rogues whipped within his
parish, he shall forfeite for every default
5 *El.* 4. & P. Vagabonds, 3.
The duty of Parsons, &c. in binding
Apprentices, and in employing of
money given to such uses, 7 *Jas.* 3.

Prison and Prisoners.

If any Keeper of prison, or Under-
keeper shall by dares or paine com-
pelle any his prisoners to become an ap-
prentice against his will, he shall be ad-
judged a Felon. 14 *Ed.* 3. 10. & P. 2.
Whosoever having authority of ket-
ting of Goals, or of prisoners for felony
shall
Gaolers
handling
their pris-
oners straily.

shall certify the names of every prisoner in his keeping, and of every person to him committed for any such cause, at the next generall Gaole-delivery in every County or Franchise where any such Gaole is, upon paine to forfeite to the King for every default s. l. 3 H. 7. 3. & P. 3.

**Reliefe of
prisoners.**

3. The most part of the Justices of peace of every shire may at their generall quarter Sessions rate and tax every parish within the said shire at such reasonable summes of money for and towards the reliefe of prisoners in the common Gaole of the County aforesaid, as they shall thinke convenient by their discretions, so that the said taxation doe not exceed above six pence, or eight pence by the weeke out of every parish. 14 E. 3. & P. 4.

Reliefe of prisoners in the Marshalsey and Kings-Bench, *vide* P. poor. 11.

**Breaking
prison.**

4. Breaking of prison by one being in there for Felony, or by any under Arrest for Felony, as well without prison as within is Felony, 1 Ed. 2. & P. 5.

**Escape, re-
scues.**

5. If any Sheriffe or Bayliffe shall willingly suffer any prisoner for Felony to escape, or if any shall rescue such a prisoner, it is Felony, *vide* Dastan, fol. 238, 239.

6. A prisoner shall be conveyed to

Gaole at his owne charge, if he have
 say, if not, the parish shall be charged,
 22. 10. & P. 7 & 8.

A prisoners goods shall not be seised,
 he be attainted, P. Sheriffes 14.
 removing of prisoners, see removing,

No Justice nor Justices shall let
 baile any persons forbidden to be
 by the Statute 3 Edw. 1. upon
 to be fined by Justices of Gaole.
 1 & 2 P. & M. P. Justices of
 106.

Bailement
 of prisoners.

No prisoner which before was
 outlawed, nor he which hath abjured,
 any approver, nor he which is ta-
 with the manner, nor he that hath
 prison, nor a Theefe openly de-
 and known, nor he, which is ap-
 by an approver, so long as the
 over liveth, except he be of good
 nor he which is taken for burning
 house feloniously, or for falsimony,
 counterfeiting the Kings Seale,
 any excommunicate person taken at
 Bishops request, nor he which is ta-
 for a manifest offence, or for trea-
 touching the King. 3 Ed. 1. 15. nor
 which shall confesse a Felony or Man-
 before a Justice upon his exa-
 mon, vide Dalt. fol. 285. where
 is taken away by particular statutes
 misdemeanours.

Persons not
 baileable.

9. Such as be indicted of Larceny by Enquests taken before Sheriffs Bailiffes by their office, or of light pition, or for petty Larceny, that reacheth not to the value of 12. d. if they were not guilty of some Larceny but or guilty of some receiving Felony Thieves, or of commandment or of aid in felonies done, or guilty of some other trespassse; for which they ought not to lose life or member, a man appealed of an approver, if he be no common Theefe nor defamed, may be let to baile by sufficient sureties. *Ed. 1. & P. Mainprise 2.*

It seemeth also by *Dalton*, that persons taken upon suspition of Burglary, Robbery, or Theft, if they be of evil fame, and also Accused may be let to baile. *Vide Dalton*, fol. 374.

10. Whosoever shall withhold prisoners bailable, after they have sufficient baile, shall pay a great fine to the King; and whosoever shall take reward for the deliverance of such shall pay double to the prisoner, and be amerced as aforesaid. *W. 1. 3 Ed. 1. 15 P. mainprise 6.*

One Justice of the Peace may let a prisoner, if it be not in case of Felony, or the like, or except some particular Stat. shall otherwise prescribe. *Dalton* fol. 33.

No person for Manslaughter or Felony, or suspicion of either being bail-
by Law, shall be let to bail or main-
by any Justice of the peace, if it
not in open Sessions, except it be by
Justices of the peace at the least
sent together at the same time of
ment, whereof one to be of the
own, who before such prisoner be
ailed, shall also take the examina-
of the prisoner, and information
them that bring him, of the fact, and
stances thereof in writing, which
ther with the Bailment they shall
make under their hands at the next
delivery, upon paine to be fined
every offence by the Justices of
the delivery. 1 & 2 P. & M. 1. & P.
166.

Purveyors.

Purveyors shall agree for the Taking re-
things they take, and shall shew ward, &c.
Commission, upon paine to lose
offices. 28 Ed. 1. 2. & P. 3.
If any Purveyor shall take any
of any man to the end to spare
him,

him, and be therefore attainted as parties suite, he shall yeeld up to the party greived treble damages, and two years imprisonment, 36 Ed. 3. 1. P. 14.

By what
measure
Purveyors
shall take.

3. If any Purveyor shall take Corn by any other measure then by the stur Bushell, or by any other then such Bushels to the Quarter, or shall take carriage therefore without ready payment, he shall forfeit to the King five pound, and as much to the party greived, and be one year imprisoned. 25 Edw. 3. 14. & P. 16.

4. If any Purveyor of the King shall take any thing of the value of twenty shillings or under without ready payment, he shall pay the value to the party greived, and lose his office, 2 H. 4. 1. & P. 32.

When Purveyors shall
fell timber.

5. If any Purveyors of Timber shall fell for the Kings use any oaken timber tree meet to be barked, but once in barking time, other then trees for building or repairing of the Kings houses or ships, or shall take any profit by the lops, tops, or barke of any trees taken by him, or shall take from the owner any more of any tree then only the timber of the same tree, he shall forfeite for each, &c. to the party greived 40. s. 1 Jac. 22. & P. Leather 24.

Purveyors.

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Purveyors shall not fell trees grow-
about a mans house, upon pain to
suffer to the party triple damages, be
imprisoned a yeare, and lose his office.
Ed. 6. & P. 8.

To make Purveyance without war- Felony in
28 Ed. 1. 2. 30 R. 2. 5. & P. 9. Purveyors

To take more sheep before sharetime
be sufficient. 25 Ed. 3. 15. & P. 9.

To make purveyance without lawfull
assent. 5 Ed. 3. 2. & P. 17.

To take more then they deliver to the
house. 36 Ed. 3. 4. & P. 18.

To take purveyance in other manner
is comprised in the Commission,
Ed. 3. 1. & P. 19.

Note that the Iustices of the peace Note.
deliver the Dockets of Purveyors
when delivered according to the Stat.
P. & M. 6. & P. 18.

No subjects Chater shall take any Chater
against the owners will upon
of imprisonment. 23 H. 6. 14.

D. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Rape.

Rape.

**Ravish a
Maid, &c.**

1. If any shall Ravish a Maid, Widow or Wife, above tenne years of age against her will, though she consent after, it is Felny, 13 E. 4. 113. P. 1.

**Abusing
children under
ten
years.**

2. If any shall carnally know or abuse a woman child under ten years of age, though she consent before, also Felony and without Clergy, El. 6. & P. 2.

**Taking a
woman a-
gainst her
will.**

3. If any shall take a Maid, Widow, or Wife, having lands or goods, or being heire apparent to any, against her will unlawfully, other than Ward or Bondswoman, it is Felony both in him, and the Procurer, bettors and Receivers knowing same. 3 Hen. 7. 2. & Poulson's men. 12.

Recusant

Recusants, Iesuites.

VWhosoever shall willingly receive, releeve, comfort, or maintaine any Jesuit, Seminary, knowing him to be so, shall be judged a Felon, and not have Clergy. *17 E. 3. & P. Jesuits 3.*

Iesuits.

VWhosoever shall conceale his knowledge of them, and shall not within 28 dayes after such knowledge discovered the same to some Justice of peace, or other high officer, shall be fined and imprisoned at the Kings pleasure. And if within Justice, or other such officers shall not within 28 dayes after give information thereof to some of the Kings Councell, he shall forfeite 200.

17 E. 3. & P. 10.

Whosoever shall willingly receive, and harbour any person not receiving to some Church, Chappell, or any place of Common prayer, to the divine service, by the space of a month together, not having a reasonable excuse other, then his Father or Mother, not having other sufficient maintenance, or the Ward of any such person, or any person committed to the custody of any by authority, or shall receive, or keep in service, fee, or livery, or repairing to some Church, &c.

Keeping a Recusant in his house.

by

by the space of a moneth together, forfeit for every moneth 10. l. 3 s. & P. 31.

Keeping
Schoole-
master.

4. Whosoever shall keep or maintain any Schoolmaster which refuse not to the Church, nor is allowed the Bishop or Ordinary of the Diocese shall forfeit for every moneth keeping him 10. l. And such Schoolmaster shall be imprisoned for a year without baile, and be disabled, &c. 23 E. 1. P. 2.

Abjuration.

3. A Recusant not conforming himself, shall abjure the Realm, and the Justices before whom such abjuration made, shall presently record the same and certifie it to the Justices of Assize at the next Assizes after, 35 E. 1. P. 19.

The penalty for a conforming Recusant which shall not receive the Sacrament, &c. 3 Jac. 4. & P. 40.

Popish
Reliques.

Popish Reliques shall be destroyed at the generall Sessions of the peace, 9. & P. 74.

The penalty of such as come to Church every Sunday and Holyday, 3. & P. 50.

Felony in Recusants, see Part 1.

Remo

Removing Prisoners.

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Removing Prisoners or Records.

ALL Writs of *Habeas corpus*, or *Certiorari*, to remove any Record, or any prisoner out of any Gaole, must be signed with a Justices hand of the Court. 1 & 2 P. & M. 13. & 14. 1.

Rescues.

Whoever shall disturbe or hinder by Rescues, or otherwise the execution of the Statute of *Prisoners*, or of the Poor, shall forfeite for every offence 5. l. and be bound to good behaviour. 39 E. 4. & P. V. c. 1. s. 1.

To rescue one for Felony, is Felony, 1 R. 2. fol. 238, & 239.

Restitution

Restitution.

1. IF any Felon of goods, money, cattles taken from any of the King's subjects, shall be indicted, arraigned and found guilty thereof, or otherwise attainted, by reason of evidence given by the party robbed, or the owner of the said goods, money, or cattles, by any other by their procurement, then shall such party or owner be referred thereunto, and the Justices to whom such finding guilty is, shall have power to award writs of Restitution therefore. 21 H. 8. 11. & P. 1. vide Dalton fol. 185.

Taking
stolen goods
again.

2. If a man pursue and take a thief that hath stolne his goods, and recovereth his goods againe, and putteth the Theefe to escape, he is no action for he may *in initio agere civiliter et criminaliter* at his pleasure; *quare.*

But if he take his goods againe to favour the Felon, it is Theft, but if it be not Felony, *& vide* Tenures the Law, fol. 184.

If upon Hue and Cry a man do take a Theefe that hath stoln another's goods, and from the said Felon take the goods and so let him goe,

Note

Restitution.

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maketh him an accessory, if not r. princi-
all, *Dalt.* 253.

Receiving or buying stolne Goods.

TO receive or buy stolne Goods
knowing they were stoln, maketh
an accessory, unless he receive or aide
Felon himselfe, *quere & vide Dalt.*

If a stranger buy such goods for a va-
lable consideration it is lesse dange-
r, *ibid.*

Riots, Routs, and unlaw- full Assemblies.

The Iustices of peace which dwell
nearest in every County where
shall be, together with the She-
riffs, or Undersheriffes of the same
County shall doe execution of the Stat.
Riots, within a moneth after every
upon pain of 100. l. 13 H. 4. 7. & P.

The forfei-
tures of the
Iustices
which do
not execute
this Stat.

Note that the King shall beare their
G costs

costs sustained in the execution thereof
2 H. 5. 8. & P. 10.

In Riots, Routs, and unlawfull Assemblies these circumstances are to be considered, *viz.*

1. The number of the persons assembled.

2. The intent and purpose of the meeting.

3. The lawfulness or unlawfulness of the act.

4. The manner or circumstance of doing it.

The number which make a Riot &c.

What makes an unlawfull assembly.

To make a Riot, Rout, or unlawfull Assembly, three persons at the least must be gathered together.

If three or more shall come or assemble themselves together to the intent to doe any unlawfull act with force or violence against the person of another, his possessions or goods (although they after depart of their owne accord without doing any, yet that is an unlawfull Assembly.

Rout.

If after their first meeting they ride, goe, or move forward towards the execution of any such Act, this is a Rout.

Riot.

And if they doe execute any thing indeed, then it is a Riot.

Arrest Rioters.

2. If any Riot, Rout, or unlawfull Assembly be made, three or two justices of the Peace at the least, and the Sheriffe or Undersheriffe shall arrest

herco the offenders, and record that which they shall finde done in their presence against the Law, and such offenders shall be convicted by that Record, in manner and forme as it is contained in the Stat. of forcible Entries, 17 R. 2. 8. 13 H. 4. 7. & P. See forcible Entries, of this.

3. If such offenders be departed before the coming of the sayd Iustices and Sheriffe, they shall diligently enquire within a moneth after, and the same shal hear and determine according to the Law.

Enquire of Riots, &c.

And if the truth cannot be found, then within a moneth next after they shall certifie before the King and his Councell of the whole fact and circumstances thereof. 13 H. 4. 7. & P. 2. of an 3.

Certifying of a Riot.

Note also that if the offenders shall traverse the matter so certified, the same Certificate and Traverse shall be sent into the Kings-bench to be tried *ibidem*.

The punishment of Riots.

4. Rioters attainted of great and synous Riots shall have one years imprisonment, as the King and his Councell shall thinke good. 2 H. 5. 8. & 10.

5. Each man being able to travel shall help to repress Riots, upon paine of imprisonment and fine. 2 H. 5. 8. & 12.

Each man shall help to repress Riots.

**A Inry to
enquire of
Riots, &c.**

6. The Sheriffe having a precept directed to him, shall returne twenty four persons dwelling within the shire where the Riots, &c. shall be committed, whereof every of them shall have Lands and Tenements within the said shire, to the yearely value of 20. s. of Charter land or Freehold, or 26. s. of Copyhold, or of both above all charges, to enquire of the said Riot, and shall returne upon every of them issues at the first day 20. s. at the second day 40. s. under the paine of 20. l. 19. 7. 13. & P. 14.

**Maintainance wher-
by a Riot is
not found.**

7. If by reason of Maintainance or Embracery of Jurors, a Riot, &c. is not found, the Iustices and Sheriffe shall sende such certificate that they be bound to make according to the said Statute. 4. shall in the same certificate certify the names of the Maintainers and Embracers, with their misdemeanours, on paine to forfeit 20. l. and imprisonment at the discretion of the Iustices. 19. 7. 13. & P. 15.

**Unlawfull
assemblies.**

8. If any persons above the number of two, and under twelve being assembled shall intend unlawfully with force to murder or slay any man, or to cutt downe any inclosure or banks, any fish ponds, or to doe any the deeds mentioned in the Statute herewith named, and shall not depart upon proclamation, but shall attempt to doe

of these things, they shall be imprisoned a year without bayle, and pay treble damages and costs to the party grieved, 1 M. 12. 1 Eliz. 16. & Toulton, 30.

9. If any person being moved to Disclosing a commotion, or insurrection, or rebellious assembly, shall not within where one is moved, twenty foure houres after disclose the same to a Iustice of peace, or to a Sheriff; or if any person shall stir or procure any other to make such assembly, he shall be three moneths imprisoned without bayle, unlesse he shall be discharged by three Iustices of the peace, whereof one to be of the Quorum of the same shire where the offence shall be committed. 1 M. 12. 1 Eliz. 16. & P. 30.

10. The raising of unlawfull assemblies to the number of twelve or forty, Rebellious assembly, and not to depart within an houre, being commanded by proclamation, and the relieving of any such persons is felony. 1 M. 12. 1 El. 16. & P. 16, 17, 19. 28, 31.

Robbery, Theft.

Theft,

1. **T**Heft is the taking away of another mans goods with an intent to steale them against the will of the owner, and is of two sorts, Robbery and Larceny. *Dalton* fol. 226.

Robbery.

2. Robbery is, the felonious taking of any thing from the person of another, or in his presence against his will, and putting in feare thereby, and for which the offender shall suffer death without Clergy, *Dalton* fol. 227.

Highway.

3. Robber in or neare the highway shall not have Clergy, how much, or how little soever they take away. 1 Ed. 6. 12. & P. Clergy 134

House,

Nor he which robbeth any house by day or night, any person being in the same, or thereby put in feare; nor he which robbeth any person in any part of his dwelling, the owner, his wife, children, or servants sleeping or waking within the precinct thereof.

Tent or Booth.

Nor he which robbeth a Tent or Booth in Faire or Market, the owner, his wife, children, or servants being within the same.

Robbing a:
ny part of a
house by
day, of the
value of 5. l.

Nor he which robbeth any dwelling house or outhouse thereto used, in the day time (though no person were there-
in)

in) of the value of five shillings, or above.

Nor he which doth feloniously take Church or goods out of any Church or Chappell, Church or Chappell.
see P. Clergy 13.

Rome.

Against such as maintain the Authority of the Bishop of Rome,
see 5 Eliz. 1. & P. 1.

2. Against such as give or take absolution by an Bulls from Rome, or shall obtaine or get from the said Bishop any manner of Bull, writing, or other instrument, or shall bring into this Realm any tokens or things called by the name of *Agnus Dei*, or any Crosses, Pictures, Beades, &c. and their Ayders, see 13 El. 1. & P. 2, 3, 4, & 5.

3. Against such as withdraw any from their obedience to the King, and their Ayders, see 23 Eliz. 1. & Poult. 7, & 8.

4. Against such as extoll any forraign power, &c. see 1 El. 1. & 5 El. 1. & P. Crown 2 6, 7, 8.

5. Against such as depart out of the Realme to serve any forraigne Prince.

3 Jac. 4. & Poulton, Recusants, &

Sewers.

1. **T**He Justices of peace in their quarterly Sessions may administer the oath to any Commissioner of Sewers according to the Stat. 23 H. 8. c. 5. & P. 3, & 4.

2. Six Justices of the peace, two of them being of the Quorum, may for a whole year after expiration of a Commission of Sewers execute the Law of the Commissioners of Sewers, unless that a new Commission of Sewers be published within the year. 13 El. 9. c. P. 16.

Sheep.

Transporting sheep.

1. **V**Whoever shall bring, send, or receive into any ship or bottom any Rammes, Sheep, or Lambes being alive, to be conveyed

Sheep.

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out of the Kings Dominions, or procure the same, shall for the first offence forfeire all his goods for ever to the King and Informer, and be imprisoned one yeare without bayle, and then in some open Market, in the fulnesse of the Market on the Market day have his left hand cut off, and the same to be nailed up in the openest place of such Market. And for the second offence it is Felony. 8 *El.* 3. & *P.* 1, & 2. & *Just.* 15.

1. No person shall keep above 3000 sheep, reckoning after sixscore to the hundred, upon pain to forfeit for every sheep more 3. s. 4. d. to the King and Informer. 25 *H.* 8. 13. & *P.* 3. & *Just.*

Sheriffes.

If a Sheriffe or any of his Ministers which by force of the Green Wax doe levy the Kings debts, shall not shew to the party indebted the *Estreats* sealed, and Tot the same which is paid, whereby the debt is another time demanded of the same person, he shall pay to the party greived his treble damages

Estreats shall be shewed to the party, and totted.

G 5 images

mages, and make fine to the King
42 Ed. 3. 9. & P. Estreats 1. & Just.
88.

2. If any Estreats of Issues hath
been gathered of any person, other then
such as by vertue of the sayd Estreate
was of right chargeable or charged
therewith, the offender shall forfeite to
the King five Markes, and as much to
the party greived. 27 El. 7. 39 El. 18.
P. Jurors 34. & Just. 99.

3. In every Estreats of Issues against
a Juror his addition shall be put, *Wid-
dem*.

4. Justices appointed to oversee the
Sheriffes Estreats, shall be named at the
generall Sessions after the Feast of
Saint Michael by the *Custos Rotule
rum*, or in his absence by the Eldest of
the *Quorum*. 11 H. 7. 15. & P. Sheriff
18 & 20.

Justices that
view the
sheriffes Es-
treats.

5. Sheriffes shall make no Estreat
untill two Justices have had the view
of them, which Estreats shall be indented
and the Justices have one part. 11 H. 7.
15. & P. 14. 18. 20.

Indictments
taken in the
sheriffes
Turne shall
be delivered
to the Just.
of peace.

6. Sheriffes must certifie the Indict-
ments found in their Turn or Law day
to the Justices of peace at the next Ses-
sions of the peace in the County, under
the paine of 40. l. 1 of Edm. 4. 2.
P. 12.

The Justices shall award Process
against those which be indicted

the Sheriffes Turne. *Ibid.* & Poulton

13.

Extortion in Sheriffes, see P. 5, 6,
&c.

Subsidy.

If any person that ought to bee set to
the Subsidy, shall by craft or covin
escape taxation, and that be proved be-
fore two Justices of the peace of the
County, he shall be charged double so
much as he ought to have been, and be
further punished at the discretion
of the sayd Justices. 7 *Iacob.*
13.

Swannes.

If any person, or other to his use shal
have or possesse any marke or game
of Swannes of his owne, not having
Freehold of five Markes *per annum* a-
bove all charges, any other subject ha-
ving Lands of that value may seize
the

the sayd Swans, as forfeited to the King and himself. 22 *Ed.* 4.6. & P. 1.

The penalty for taking or destroying Swans Egges in their nest, see Pheasants, &c. & P. Hawks 3 & 11, H. 7. 17.

Tile-makers.

The preparation of the earth, for making tile,

The length, breadth, & thicknesse of tile,

1. If Tile-makers shall not digge and cast up their earth for Tile till after the first of *November*, or shall not stirre and turne it till the first of *Febr.* following, or shall not worke it before the first of *March* following, or shall not worke and try it from stones, veines, and chalke, or shall make or put to sale any plaine Tile under teene inches and a halfe in length, six inches and a quarter in breadth, and halfe an inch and a quarter in thicknesse, or rough tile under thirteen inches in length, and halfe an inch and halfe a quarter in thicknesse, with convenient deepnesse; or any gutter tile under ten inches and a halfe in length, with a convenient thicknesse, breadth and deepnesse, they shall lose the double value to the buyer, and a fine to the King, that is to say, for every hundred of plaine tiles, five shillings,

King
ying
bea
l. 7.
ings; for every hundred of rough
six shillings eight pence, and for e-
y hundred of corner tiles two shil-
s, and after that rate for more or
17. *Edw. 4. 4. & Poulton, 1,*

3.
If the Searchers appointed for searchers
oversight of the true making of tile, of tile.
all not doe their effectuall diligence
rein, shall lose for every default ten
illings. *Ibidem, & Poulton, 5. &*
97.

Toll.

If any Miller shall take excessive
Toll, or by heaped measure, he
ll be greivously punished. 3 *Edw. 1.*
2.

Toll for Horses, see
ures.

Tongues

Tongues. Eyes.

1. **T**O cut out the Tongues, or out the Eyes of any of Kings liegh people, out of malice penced, is Felony. 5 Hen. 4. 5. 1.

Transportation.

1. **T**He prohibition of transpor of Corne, is to be made by the most part of the Justices of peace, at their quarter Sessions. 13 Eliz. 13. P. Corne, 7.

2. Whosoever shall against prohibition therof made, transport or carry out of this Realm any Corne, Grain, or Mault, growing or made here; any Beere, Butter, Cheese, or Wood in any vessels, except to *Barwick*, the Marches thereof, without sufficient authority, or any sea fish, or Herrings not taken by a naturall borne subject here; or shall by any meanes convey

willing

...llingly consent to convey any of the
...things to any vessell being on the
...or any place or haven of this Realm
...be transported over sea, or into
...land, without sufficient authoritie;

...if any person having licence to con-
...any of the said things, shall fraught
...lade his vessell, or any part thereof,
...any more places then one onely, the
...owner of the vessell shall loose it, the
...owner of the victuall shall loose the
...table value, and the Master and Mar-
...ners their goods, and have a yeais im-
...prisonment. 1 & 2 Ph. & M. 5. 13.
...11. & 13. & Poulton Corn 1. &
...17.

He that hath
license to
transport
corne, shall
lade it in
one place.

3. It is lawfull to transport Corne
and Graine when the prices be allowed
reasonable untill it be restrained againe
by the Kings proclamation. 1 Jac. 25. &
Corn, 6, 7, 8.

Lawfull to
transport
Corne and
Beer.

Soe may Beere be transported when
the price is not above sixteene shillings
the quarter. 3 Jac. 11. & P. Corne

Traverse.

Traverse.

1. **T**He liberty of Traverse is commonly restrained to Indictments of Trespasses, Contempts, Riots, and other inferiour offences.

2. To Traverse a Indictment, is to take Issue upon the chiefe matter thereof, which is none other to say, then to make contradiction, or to deny the point of the Indictment; As in a Indictment against *A.* for a Highway overflowing with water for default of scouring a ditch, which he and they whose estate he hath in certaine land there, have used to scoure and cleanse. *A.* may traverse either the matter, viz. that there is no highway there, or that the ditch is sufficiently scoured, or otherwise he may traverse the cause, viz. that he hath not the land, &c. or that he or they whose estate, &c. have not used to scoure the ditch, &c.

Treason

Treason.

High Treason called in Law *Cri- High trea-
men lese Majestatis*, is a greivous son:
done or attempted against the
Royall, *vix.* against the King in
person, the Queen his VVife, his
children, Realm, or Authority, &c.
more *P. 1. &c. & Dalton fol. 198.*

Such offenders shall be hanged, cut **The punish-
ment.**
me alive, and quartered, and shall
forfeite all his Lands and Goods to the
King, yea his entayled Lands, and his
he shall lose her dower, and his blood
shall be corrupted, saving in certaine
cases, *vid. Dal. fol. 205.*

In case of Premunire the offender **Premunire,**
shall forfeite all his Goods in Fee for
ever, and all his Goods and Chattles to
the King, but his Lands whereof he
has an estate, he shall forfeite onely
during his life, and shall be imprisoned
during his life. *Ibid.*

Misprison is properly when one **Misprison.**
knoweth that another hath committed
Treason or Felony, but was not con-
fessing thereto, and conceales the of-
fence.

Such offender for Misprison of Trea- **The punish-
ment.**
son shall forfeite to the King his goods
and chattles for ever, the profits of his
Lands

lands during his life. *Dalton* 303. For Misprison of Felony, the offender shall be onely fined. *ibid.*

Petty treason.

3. Petty Treason is when wilful Murder is committed upon any subject by one that is in subjection, and owe faith, duty, and obedience to the person Murdered. *Vide* Petty Treason, l. 82. 6.

The punishment.

The punishment for petty Treason is this, the man so offending shall be drawne and hanged; the woman shall be burned alive, in case as well of petty Treason, as of high Treason. 1 Ric.

4. But in case of Felanies, the punishment both of man and woman is to be hanged.

The forfeitures.

The forfeiture of petty Treason: the King shall have all his goods, and for his lands, the King shall have *diem & vastum*, and the Escheat of the land shall be to every Lord of his own proper fee.

Treasure

Treasurers.

The Treasurers of the County are to be chosen at Easter Sessions by more part of the Justices, and are such as at the last taxation of the County next before the said election were valued and assessed at 10. l. in lands yearly, or 40. l. in goods, and shall continue but one yeare, and then give their charge and account at Easter Sessions, or within tenne daies after. If any Treasurer, his Executors, Administrators shall faile to give up account within the time aforesaid, he shall be otherwise negligent in his office, then it shall be lawfull for the part of the Justices in their Sessions to assesse such fine upon him, his Executors, Administrators, as in their Sessions shall seem convenient, so it be not under 5. l. 43 Eliz. 3. & P. c. 18.

The Treasurer shall assesse reliefe for Souldiers or Marriners upon a lawfull Certificate, and shall keep a true booke of computation of the money they lea- and a Register of the names of such who give reliefe unto. And every Treasurer returning, or not accepting Certificate brought unto him, shall write

write and subscribe the cause of his not accepting, or not allowing thereof, under the said Certificate, or on the back thereof. And if any Treasurer wilfully refuse to give reliefe according to this Act, the Justices in their Sessions may fine such Treasurer by their discretions. 43 El. 3. & P. Captains, 21, 21.

The surplusage of the stock.

The surplusage of the stock of more part of the Justices in their quarter Sessions, be ordered, distributed and bestowed upon such good and charitable uses, and in such forme as is limited in the Statutes made in force concerning the reliefe of the Poore, and punishment of Rogues and Beggars. El. 3. & P. Captains 24. See more Poor people 14, 15.

How the Forfeitures shall be employed, see 43 Eliz. 3. & P. Captains, 26.

Fr

Trespases.

VWhoever shall cut, or unlawfully take away a-
Corn or Grain growing, or rob any
 Orchards or Gardens, or break or cut
 hedge, pales, rails, or fence, or
 pull up, or take up any fruit
 or trees, in any Orchard, Garden,
 or elsewhere, to the intent to take or
 carry the same away; or shall cut or
 down any woods, or under woods,
 or trees standing, not being
 lawfully procured, and their procurers and recei-
 vers, knowing of the same, being there-
 lawfully convicted by the confession
 of the party, or by the testimony of
 sufficient witness upon oath before
 Justice of the peace, &c. shall give
 the party such satisfaction as such Ju-
 stice shall appoint, and within such
 time as he shall appoint; the same to
 pay for the first fault. And if such
 offenders shall not be thought able to
 give satisfaction, then to be whipped,
 and also for every such offence after to
 receive the same punishment of whip-
 ping. 43 *El.* 7. & *P.* 1.
 A Constable refusing to punish such
 offenders, see Constables 10. & *P.*

Vagabonds and Rogues.

No Iustice of peace, &c. shall execute this Statute for any of the said offences done to himselfe, unlesse he be associated and assisted by one or more Iustices whom the offence doth concerne. 43 *El.* 7. & *P.* 3.

Vagabonds and Rogues

Who shall
be adjudg'd
Vagabonds
and Rogues.

See 39 *Eliz.* 4. 4. & *P.* 2. & 7. Note that that Act doth not extend to any children under seven years old.

All common players of Enterludes and Glassmen shall bee accounted Rogues. 1 *Iac.* 7. & *P.* 2.

A servant taken with a counterfeit or forged Testimoniall, or not producing a Testimoniall according to Stat. 5 *El.* 4. shall be taken and punished as a Rogue: see *P.* Labourers 8.

A Souldier or Mariner begging, counterfeiting a Certificate, shall be so accounted a Rogue. 34 *El.* 3. & *Capt.* 23.

And all such as wilfully goe about out of houses infected with the Plague though they have no sore upon them shall be accounted Rogues, and may be their

Vagabonds and Rogues.

14 5

shall be bound to the good behaviour
for a yeare. I *Jacob. 31. & Poulton*
Rogue 4.

And all able persons threatning to
goe away and leave their family up-
on the parish, the same being proved by
two sufficient witnesses upon oath be-
fore two Iustices of the peace, shall be
punished as Rogues, unlessse they put in
sufficient sureties for the discharge of
the parish, 7 *Iac. 4.*

All such able persons as shall runne
away out of their parishes, and leave
their families upon the parish. 7 *Iac. 4.*

All such as appeare to be dang'rous
of the inferiour sort of people, or other-
wise be such as will not be reformed of
their Roguish kind of life by the for-
mer provision of this Act, shall be sent
to the house of Correction, or Gaole
of the Countie by two Iustices, one of
whom being of the Quorum of that li-
till the next Sessions, and then by
the consent of the more part of the Ju-
stices in their open Sessions shall bee
roughly burned in the left shoulder
with an hot burning Iron of the breadth
two pence, with a great Roman R.
on the Iron, and then shall be sent to
the place where they last dwelt, if they
have any dwelling, if not, then to the
place where they last dwelt for the space
of a year, and if that cannot be known
by their confession or otherwise, then

Who shall
be adjudged
incorrigible
Rogues to
be burned.

143 Vagabonds and Rogues.

to the place of their birth.
 Who shall be adjudged a Felon. And if after such punishment they offend againe in begging or wandering contrary to the Law, they shall be adjudged Felons and not have Clergy. 39 *El.* 4. 1 *Jac.* 7. & P. 4.

Rogues ought to be conveyed from parish to parish. To send Rogues by a generall Passport without conveying them from parish to parish, is a let to the conveying of Rogues according to the Stat. and a forfeiture of 5. l. upon them, and goe with such a passport is but still continue a Rogue to be punished with whipping. See the duties of Constables fol. 25. 7.

Outlandish Rogues. If any *Mannish, Scotish, or Irish* Rogues shall come into this kingdome, he shall be punished as a Rogue, and conveyed to the next port or parish where he is apprehended. 39 *El.* 4. & P. 16. See the Constables duty herein, Constables 18.

Every person shall apprehend Rogues, Vagabonds, and sturdy beggers as he shall see or know to resort to his house to beg or receive Almes, and him shall carry or cause to be carried to the next Constable or Tythingman upon paine to forfeite for every default 10. s. 39 *El.* 4. & P. 5.

How, &c. How these forfeitures shall be imposed. See 39 *El.* 4. & P. 11. See the Constables 7.

Victuals and Victuallers.

IF any Victualler shall sell, or Corrupt offer to sell any corrupt, or un-
 wholesome Victuall, he shall be fined
 at the discretion of the Justices. § 1 H.
 Statute *Pistorum*, Cap. 7. see more
 others 3.

2. If any Butcher, Fishmonger, Victuall
 holder, Tippler, Brewer, Baker, shall be sold
 butcher, or other seller of Victualls at reasona-
 ble prizes,
 shall not sell the same at reasonable
 prices, and for moderate gaine, he shall
 be fined the double value of that he received.

2d. 3. 6. & P. 3. & 4.

3. Victuallers conspiring for
 to raise their Victualles, see Artifi-
 cers, 1.

4. When and in what cases Victuals
 may be transported, see 1 & 2 P. & M.
 & *Poulton* 8. & Justices 27. & Corn
 & 7.

H

Vfury

Selling
wares, and
buying
them a-
gaine.

1. IF any person shall by himselfe
or any other sell any Merchandise or Wares to any other, and shall
within three moneths next after by
himselfe or any other buy the same, or
any part thereof againe upon a lesse
price, knowing them to be the same.
Or if any person shall by any corrupt
Bargaine, Mortgage, or other meanes
take in gaine above the rate of tenne
pound for a hundred pound for every
yeares forbearance, and so after that
rate more or lesse, he shall lose the
treble value to the King and Informers
and be imprisoned and fined at the
Kings pleasure. 37 Hen. 8. 9. & P.
1, 2, 3, 4. & 13 El. 8. 39 El. 18. &
P. 6, 7.

Nota.

He that taketh tenne pound or lesse
in a hundred, shall forfeite the Interest
only, 13 El. 8. 39 El. 18. & P. 8.
Just. 91.

Wages.

Wages.

Wages of Servants, see § El.
4. & P. Labourers 4. &
ices 66.

Wages of Knights of the Parliament,
3 H. 6. 11. & P. Parliament 12.
Just. 52.

Wages of Justices of the Peace, see
R. 2. 11. & P. Justices 6. 7. &
4. & P. Justices 68.

Wages of Weavers and Spinsters, see
ch 3.

Watch and Ward.

the Watch in every towne bee not
from Sun setting to Sun rising,
p. 8. *Ascension* day, and *Michaelmas*
to arrest Night-walkers and Stran-
that passe by in the night, the Con-
shall be fined by the discretion
the Justices. Stat. *Winton.* 13 *Edw*
& 5 H. 4. & P. 1, & 2.

Wax

IF any person shall sell, or shall
 forch Candles, or other workes
 Wax to sale at higher prices then after
 the rate of foure pence the pound
 the common price of plaine Wax be
 tween Merchant and Merchant, he
 shall be fined to the King, and shall
 forfeite his worke, or the value of it.
11 Hen. 6. 12. & Poult. 8. & J. 42.

VWeights and Measures

None shall
 buy or sell
 but with
 Weights &
 Measures
 signed and
 printed.

Lawfull Weights, see *Poult. 1.*
 3, 4, 5.
 Whosoever shall buy or sell by
 lawfull Weights or Measures, or
 buy or sell in any City or Market
 any Weight or Measure that is not
 fully marked or signed, the same
 be broken and burnt, and the offender
 shall lose for the first offence six
 shillings eight pence; for the second
 teen shillings and four pence, and for

Weights and Measures.

151

on the pillory. 11 H. 7. 4. & P. 9, 10. & Just. 91.

If they of the town where the Kings Standard is appointed to remain, should **Common weights.**

not have their common Weights and

Measures signed, or shall not have ther-

signed Weights and Measures sold

all that have required the same, they

shall be fined and amerced, and so shall

the head Officers of Market townes,

which shall not twice yearly make view

and examination of Weights and Mea-

asures there, 11 H. 7. 4. & P. 7. &

of 10.

& Just. 91.

If any person shall take above one Scale

penny for sealing a Bushell-measure, or

above one penny for sealing a hundred

weight, or above a halfe penny for sea-

ling half a hundred weight, or above

for a lesse weight, he shall for-

forty shillings. 7 H. 7. 3. & 11

7, 4.

Whosoever shall use Corne by hea- **False**

measure in any place, except within **weights.**

ship-board, or shall use double mea-

sure, the one to buy, the other to sell

with, he shall be greivously fined and

imprisoned. 17 Ric. 2. de Pistor. & 11

4.

All falsifiers of false Weights shall

be imprisoned without bayle, till they

be acquitted or attainted, and if they

be attainted, their bodies shall remain

in prison till they have made fine and

ransome,

Common weights.

Officers shall view and examin weights.

Scale weights.

False weights.

Counterfeits of weights.

ransome according to the Justices discretion, 9 H. 5. 8. & P. 13. & Justice 92.

Wild- Fow le, and their Eggs

Taking, or
destroying
the eggs of
Wild fowl,

VWhoever shal willingly with-
draw, purloine, take, or steale
or convey any Eggs of any Wild-Fowle
from any nest or place where they shal
be layd by any kind of the same Wild-
Fowle, between the first of *March*, and
the last of *June* yearly, shall be im-
prisoned one whole yeare, and forfeite
the King and Informer for every Egg
of any Crane or Bustard so destroyed
or taken from any nest or place 20.
and for every egge of every Byter, Ma-
ron, or Shovelard 8. d, and for every
egge of every Mallard, Teale, or other
Wild-Fowle used to be eaten, a penny
25. H. 8. 11. 3 Ed. 6. 7. & P. 1. & Just, 92.
& vide plus Pheasants, 3.

Wines.

Such as sell Wines in grosse, contrary to the prizes assessed, shall forfeite for every vessell so sold forty shillings. 28 H. 8. 14. & P. 2. & Just.

1. If any person authorized to sell Wine by retaile, shall sell the same above the prices thereof limited by the Kings Proclamation, if there have been any, and shall be convicted within a year after, he shall lose for every Gallon 3. s. 4. d. and so after that rate. 28 H. 8. 14. & 5 Eliz. 5. & P. Just.

3. If any shall deny to sell Wines at the prices assessed, they shall forfeite the value of the Wine so desired to be bought, and the Justices may upon request enter and sell the same desired to be bought, according to the prices set down, and take the buyers money towards the satisfaction of the forfeiture. 4 H. 8. 6. & P. 3, 4.

Denying to sell Wine at the prices assessed.

Woods.

VVoods.

IF a Lord or owner of Woods or under Woods, and the Tenants or Inhabitants (having Common therein) cannot agree in dividing the fourth of the sayd Wood, but shall desire the aid of the Justices of the peace of the same shire where the wood lieth, the more part of such Justices (not being a kin to the said Lord or owner) shall sever and set out the said fourth part of such wood. 35 H. 8. 17. & P. 8, 9.

VVooll, and Yarne.

1. **I**F any shall buy woollen Yarn, and not make Cloth thereof, he shall forfeite the Yarne and fourfold damages, and be two yeares imprisoned, and fined. 8 H. 6. 5. & P. Yarn 4.

2. If any shall buy Wooll but of the owner of the Sheep and Tythe, he shall lose the value thereof. 14 R. 2. 4. & P. 14.

RESOLUTIONS

OF THE

JUDGES

OF

ASSIZE,

Upon certain Questions
touching Parishes,

&c.

Mich. Ann. Dom.

MDCXXXIII.



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RESOLUTIONS
 of the **JUDGES** of
 Assize upon certaine
 Questions tou-
 ching Pari-
 shes, &c.

Mich. An. Dom. 1633.

Quest. I.

W Heither the Church-
 wardens & Overseers of a Parish,
 with the assent of
 two Iustices of the
 Peace, one being of the Quorum, may
 by the Statute of 43 *Eliz.* cap. 2. or any
 Law, enforce a Parishioner of the same
 H. 5 Parish

Parish to take a child of a poore Parishioner of the same Parish, who is not able to keep his sayd child, to be an Apprentice?

Resol. The Stat. of 43 Eliz. which saith that the Churchwardens and Overseers of the parish shall put out children to be Apprentices, necessarily implyeth, that such as are fit must receive such Apprentices, and the putting out of poore children is one of the best waies for providing for the poore.

Quest. II. If they may, then whether they must give money with him, and who shall determine what summe shall be given, if the partie that is to take such Apprentice and the Churchwardens and Overseers of the poore cannot agree thereupon?

Resol. There is no necessity that money must be given, but that must be left to the discretion of the Overseers (all circumstances of age and ability considered) and if they cannot agree with the party, then the Justices of the peace neare adjoyning, and in their defaults, the Sessions of peace are to determine the Controversie.

Quest. III. Whether a Knight, Gentleman, Clergy-man, or Yeoman, or one that is a Sojourner, using Husbandry, Clothing, Grazing, or the like, may be enforced to take such an Apprentice?

Resol.

Resol. Every man who by his Calling or Profession, or manner of Living entertaineth, and must have the use of other servants of the like quality, must entertain such Apprentices, wherein discretion must be guided upon due consideration of all circumstances.

Quest. IIII. Whether a wealthy man keeping few or no servants, nor wanting a servant, but living privately, may be enforced to take such an Apprentice; if not, then whether he may be taxed towards the putting forth of such an Apprentice?

Resol. For the receiving of such Apprentices, the Answer may be referred to the Question next before; but out of doubt every such person must contribute to the charges, as to other charges for the provision for the poor.

Quest. V. Whether they may enforce a parishioner of one parish to take such a child apprentice that is of another parish, but within the same County or Division, if the proper parish be not able to provide for the children of the same parish?

Resol. The Justices may provide Masters for them in other parishes within the same Hundred; and if the Hundred be not able, then out of that Hundred in the rest of the County, as for the provision for the poor.

Quest. VI. If such a Parishioner may be

be enforced to take such an Apprentic
and shal refuse to take such Apprentic
but also be bound to appear at the next
quarter Sessions or Assize, what shal be
done then?

Resol. If any refuse, let such a one be
bound to the next Sessions or Assizes,
if he refuse to give such bond, let him
be sent to the Gaole, there to remaine
untill he will give such bond.

Quest. VII. If such a Parishioner
who refuseth to take such an Appren-
tice shall be bound over to the Sessions
for not taking such Apprentic, and
when he appeareth there shall likewise
refuse, what shall be done unto him;
and what shall be done to the parents
of such children who refuse to suffer
their children to be put out Apprenti-
ces, themselves not being able to main-
teine them?

Resol. If at the Sessions or Assizes
such soue refuseth to take such an Ap-
prentice, and his excuse be not allow-
ed, it is fit he be bound to the good
behaviour. And as it will be a good
course to indict such a refuser for a
contempt, and thereupon to fine and
imprison him, if he refuse to be bound
to the good behaviour, let him be im-
prisoned till he swill; and the Kings
booke of Order directs that such be
bound with good sureties at the Coun-
sell-Board. And if the parents of such
poore

poor children doe not suffer their children to be bound Apprentices, or being bound entice them away, themselves not being able to maintaine them, let them be committed to the house of Correction.

Quest. VIII. Whether it be in the power of any generall quarter Sessions to mitigate any penalty upon a Statute Law, if the party Indicted shall submit himselfe to the fine of the Court, and wayve the Traverse.

Resol. If the party be convicted, or confesse the fault, it is not in the power of the Court to mitigate the fine, in such cases where the Statute makes it certaine: But if the party indicted confesse his Innocency, yet *quia noluit placitare cum dom. rege*, put himselfe up into the Grace of the Court, the Court may impose a moderate fine, and order to forbear the prosecution.

Quest. IX. If a man be bound to appeare at the Sessions, and shall tender submission to the Court, whether the Sessions may stay the Indictment, and mitigate the fine as aforesaid, upon the confession of the fact?

Resol. This is answered before in the next precedent Article.

Quest. X. If a man be convicted for being drunk, tipling, or keeping an unlicensed Alehouse, or being licensed, for suffering others to remaine tipling

in

in his house, or for swearing, or for driving of cattle upon the Sunday contrary to the Stat. in that case provided, whether the Justice of the Peace (before whom he was convicted) or any other Justice of the peace may discharge him of all, or part of the forfeiture or punishment appointed by the Statute?

Resol. The Justices have no such power of mitigation after conviction, where the Statute appoints the measure of the punishment.

Quest. XI. Whether a Constable may upon a warrant for carrying one to the house of Correction, for keeping an unlicensed Alehouse, upon the second conviction break open the house where the party convicted is, to apprehend him?

Resol. This Question is to be advised upon; it is but in generall termes, and referred to be considered in the particular where it appeareth.

Quest. XII. If a woman, unmarried be hired from weeke to weeke, or from halfe a yeare to halfe a yeare in one parish, and there is begotten with child, and then goeth from thence to another parish where she is settled in service, by the space of two or three moneths, and then is discovered that she is with child, the Question is, whether she shall be settled in the parish where she was begot

with

with child, or in the parish wherein she was last settled?

Resol. The place where such a woman was lawfully settled is the direction in this case, not where she was begotten with child.

Quest. XIII. If a woman servant unmarried be gotten with child, and then goeth out of her Masters service before, or after it is discovered that she is with child, and the reputed father be run away, or is not able to free the parish, whether the Master may be forced to provide for her till she be delivered, and a moneth after?

Resol. If the Master have legally discharged his house of such a servant, he is no more bound to provide for her than any other.

Quest. XIV. In case a Parish consist of a part of ancient Demeasne, and part Geldable; an Assize is made for the reliefe of maymed Souldiers, &c. according to the Stat. of 13 Edw. 2. Whether the Tenants of ancient Demeasne shall contribute with the Geldable for the payment of the Assize?

Resol. The Statutes doe not distinguish between the ancient Demeasne and the Geldable; in these cases, *Lex non distinguit, nec nos distinguemus.*

Quest. XV. Whether an Indictment of

of forcible Deteinor be within the Statute of 21 Jac. 5. and not to be removed by *Certiorar*. unless the party indicted first finde sureties according to that Statute: And whether the party indicted be to be bound himselfe, for may send sureties to be bound in his absence to prosecute according to that Statute. And whether an Indictment of forcible Entry, &c. found at a quarter Sessions and certified unto the quarter Sessions be to be removed by *Certiorar*. without sureties according to that Statute.

Resol. This is first to be heard in the Court of Kings-bence, to whose commission & jurisdiction this is most proper.

Quest. XVI. If one be convicted upon the Statute of 3 CAROL. cap. 13. for driving of cattle upon the Sunday through severall parishes, whether he shall forfeite twenty shillings to every of the said Parishes, or once to one, if to one, then to which of them?

Resol. This Statute gives the forfeiture but of one twenty shillings for one Sabbath day, although the driving be on that day through severall parishes; therefore where the action is first attached, and distresse taken, that parish shall have the benefit of the forfeiture and none other.

Quest. XVII. If one who is un-

the age of thirty years, or brought up in Husbandry, or a Maide-servant brought up in any the Arts or Trades mentioned in the Statute 5 Eliz. cap. 2. and not enabled according to that Statute to live at his or her own hand, shall be warned by two Justices of the peace, to put him, or her selfe to service, by a day prescribed by them, and shall not doe the same accordingly, but shall after continue living at his or her owne hand, what course shall be taken with such a person, and how punished?

Resol. Such persons living out of service, and not having visible meanes of their own to mainteine themselves without their labour, and refusing to serve as an hired servant (by the yeare, may be bound over to the next Sessions of Assizes, and to be of good behaviour in the mean time, or may be sent to the house of correction.

Quest. XVIIJ. Whether the Tax for the reliefe of the poore, upon the Statute of 43 Eliz. shall be made by ability, or occapation of Lands, or both: And whether the visible ability be in the parish where he lives, or generall ability whatsoever: And whether his estate received in the parish where he lives shall be accounted visible, and whether he shall be taxed for them one, and not for any received from other parishes?

Resol.

Resol. The lands within each parish is to be taxed to the said charges in the first place equally and indifferently, but there may be an addition for the visible ability of the Parishioner, according to good discretion, wherein there be any mistaking, the Justice &c. or the Sessions must judge between them.

Quest. XIX. Whether the Tax for the County stock, Gaole, house of Correction, is to be made by the rate 14 *Eliz.* & 43 *Eliz.* by ability, and upon the Inhabitants of the parish only, or upon them, or the occupiers of lands dwelling in that parish; or whether such as occupy lands in that parish, and dwell in another parish shall be taxed?

Resol. If the Statutes in particular causes give no special direction, it is according to good discretion to goe according to the rule for taxation for the poor.

Quest. XX. Whether any Tax ought to be made for the charges of petty Constables and Bursholders at for conveying of Rogues from parish to parish, and relieving of them, and how to be rated?

Resol. It is fit to relieve the Constables and Tythingmen, in such sort as hath been used in several parishes where they live.

Quest. XXI. Whether a Justice of the Peace shall be settled in a parish?

parish may discharge a servant being
with child from her service, allowing
as a reasonable cause that she is
thereby made unable to doe her service
in which otherwaies she might have done;
and if he may discharge her, whether
the parish shall provide for her till her
delivery, if she cannot provide for her
selfe, and so also if her time be expired
before her delivery, who shall provide
for her after the time ended?

Resol. If a woman being with child
procure her selfe to be retained with a
master who knoweth nothing thereof,
or where seemeth to be a good cause to discharge
her from her service: But if shee be
with child during her service, it
seemeth to be otherwise; but the Master
in neither case must turne away such a
servant of his owne authority, but if
to her terme be ended, or she lawfully
discharged, the Master is not bound to
provide for her, but it is a misfortune
fallen upon the parish, which they must
bear as in other causes of casuall im-
poverishment.

Quest. XXII. Whether one being
delivered of a Bastard-child in one pa-
rish, and goeth into another parish and
becomes vagrant, and so is sent to the
place of her birth, her bastard child be-
ing under the age of seven yeares shall
be settled with the mother, and there
maintained, if the mother be not able

to keep it, nor the reputed father found; or whether it shall be sent to the place of its birth, as being settled with the mother, whether the parish where it was borne shall be ordered by the two next Justices to pay a weekly sum towards the maintenance of it?

Resol. The bastard child must be placed with the mother, so long as it is within the quality or condition of a Nurse-child, and then it is fit to be sent to the place of its birth, to be provided for, the mother or reputed father not being able.

Quest. XXIII. A man with his wife and children takes a house in one parish for a yeare, and before the end of his terme is put out of possession, and after takes part of an house as an Inmate in another parish, from whence he is also put out in two or three dayes, and then not being able to get any dwelling, they come to lie in a Barne in a third parish, where the husband falls sick, and the wife is delivered of another child, where ought these to be settled?

Resol. If a man or woman having an house or habitation in one parish, be thrust out of possession, this is an illegall unsettling, which the Law forbiddeth; for none must be enforced to turne Vagrants, and such a one must be returned to the place where he or she

lawfully settled, and the child also was borne in the time of this dissection.

Quest. XXIV. Whethar an Apprentice put out by the Churchwardens according to the Statute, to a Master in another parish, if his Master die and leave no Executor fit to keep an apprentice, or able to place him, shall be provided for in the parish where he was Apprentice, or shall be sent back to that parish from whence he was put out?

Resol. Servants and Apprentices are by Law settled in that Parish, and if they become impotent there, the parish must beare the adventure after their terme or time be lawfully ended.

Quest. KXV. What is accounted lawfull settling in a Parish, and what is not?

Resol. This is too generall a question to receive a perfect answer to every particular case which may happen, but generally this is to be observed, that the Law unsettleth none who are lawfully settled, nor permits that to be done by force or compulsion: and even he who is settled a Native, Householder, a Sojourner, an Apprentice, or servant for a moneth at the least, without a just complaint made to remove him or her, shall be held to be a settling.

XXVI.

Quest. XXVI. A Rogue is taken at *A.* and will not confesse the place of his birth, neither doth it appear otherwise but that he confesseth the last place of his habitation to be at *S.* here upon he is whipped and sent to *S.* at his comming to *S.* there the place of his birth is known to be at *W.* and there upon the Rogue confesseth it to be so whether he might without new Vagrancy be sent to *W.*?

Resol. In this case it is fit to send such a Rogue to the place of his birth but this is but a mistaking, and no gall setting.

Quest. XXVII. If an Indictment be preferred to the grand Inquest of the quarter Sessions of the peace, against one for Murder, Manslaughter, Robbery, Felony, or petty Larceny, and Innomer found thereupon, whether the said Sessions may deliver the party by proclamation or not?

Resol. Not by proclamation but by petty Larceny, and other petty Felonies in discretion the Gaole may be delivered of them.

Quest. XXVIII. If a Constable be chosen, and refuse to take his Oath what shall be done? And whether a Constable may make a deputy, and what means?

Resol. The refusall or neglect to take Oath in such a case, is a contempt

worthy of punishment, and the best way is by Indictment, and thereupon to fine and imprison him; and the making of a deputy is rather by toleration than by Law.

Quest. XXIX. If a Constable dye or remove out of his place where, &c. how is his place to be supplied?

Resol. By the Lord of the Lect, if that time sell neare, if otherwise, by the Sessions, but if that be too far off, then by the next Iustices.

Quest. XXX. If a poor weake man be chosen Constable or Tything-man, be unfit for the place, how he may be removed, and a fresh sworne in his room?

Resol. The Iustices must help this, and if the Lord of the Lect have power to chuse a Constable or Tything-man, and performe it so ill, that is a just cause to seize his libertie.

Quest. XXXI. If a Nurse child, a Scholler at a Grammer Schoole, or in the University prove to be impotent by sickness, lameness, lunacy, or discovery of Felony, how such persons shall be disposed?

Resol. A Nurse child, or a Scholler in the Grammer-School, or in the University are not to be esteemed as persons settled there, more then Travelers in their Innes, but their settling is where the Parents are settled, or them-

selves were last settled.

Quest. XXXII. What proportion Parsonages or Tithes shall bear to the taxation of the poore of the Parish?

Resol. The Parson having the Tenths or Tithes of the Parish, it seemeth good and equall that he shall pay the tenth part of the rate of the poor in that respect.

Quest. XXXIII. Whether for placing of the poor of the Parish not to be removed but by consent of the parish these poor men may not be placed, &c. in mares for a time?

Resol. They may by expresse words in the Statute of 43 Eliz.

Quest. XXXIV. If a Parishoner, owner within a Parish do bring in the parish without the consent of a parish, a stranger of another parish which is, or apparently like to be burdensome to the parish, how they may ease themselves?

Resol. By taxing such a one to the charge of the rates of the poor, notwithstanding respect to his ability, or the land he occupies, but according to the damage and danger he bringeth to the parish by his folly.

Quest. XXXV. For Warding in the day time for apprehending of Rogues whether the Constable may not charge it?

Resol. Warding in the day time

great use, and must be left to the discretion of the Constables, or direction of the justices, to vary according to the occasion.

Quest. XXXVI. Whether Alehouses might to be allowed in Through-faire Towns, and others in other places to be restrained only to sell to the poore out of doores.

Resol. The Iustices shall do very well to allow none but in places fit for their situation and uses, and to moderate the number.

Quest. XXXVII. A man for his quality otherwise fit to be a Constable or other Officer of that nature, procures himselfe to be the Kings servant extraordinary, and by that would excuse himselfe to serve in the Country?

Resol. A servant extraordinary may well performe his ordinary service in the Country. according to his quality.

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THE
JUDGES
OPINIONS

Concerning
The Commissions
by which the Justices
sit at *Newgate*.

(VIZ.)

*Gaole-Delivery, and Oyer
and Terminer.*

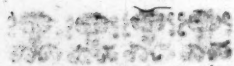
MDCXXXIII.



LONDON,
Printed by R. C. for M. Walbancke
M D C L.

THE
ADVOCATES
OF THE

Commissioners
by which the Justice
is at length
(1712)
Gentle Deliberation and Open
and Yermine
MDCXXII



LONDON
Printed by A. C. for M. Waller
MDCXXII



THE JUSTICES OPINION

Concerning the Com-
missions by which the

JUSTICES sit at

Newgate, viz. Gaole-

Delivery, and

Oyer & Ter-

miner.

MDCXXXIII.

THe Justices of Gaole-De-
livery there, may try all Pri-
soners in the Gaole or by
bayle, or such as being In-
dicted will render them-
selves; generally for all Felonies, and
also for such other offences as are par-
ticular assigned to them by Statute,
power to hold Plea of trespasses against them in prison,
or upon bayle render themselves.

Vide Stan-
ford; an-
ciently Fel-
nies include
all trespas-
ses, there-
fore the Ju-
stices of
Gaole-Deli-
very have

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The Statute of 4 *Edw. 3. cap. 2.* Doth give them power to receive Indictments against Prisoners, and such as are upon bayle, and to proceed to try the same (*viz.*) Indictments taken before the Justices of the Peace, and by equity thereof all Indictments before Coroners, 3 *Mar. Bro. Commission* 29. saith that the Commission is, *Ad deliberand. Gaolas de Prison in ejusdē. existē.* but they cannot take Indictments as Justices of Gaole-Delivery, but being Justices of Peace they may take Indictments, and then try the same, or else to receive Indictments taken before Justices of the Peace; but it standeth with reason that they may take Indictments against Prisoners, but not against them that be at large: For in as much as power to deliver the Gaole is given them, consequently they must have meanes to doe so, which is by Indictments: *Idco quare.*

Vide 1 *Mar. Dyer* 99. Justices of Assizes held plea of all appeales of Felony or Murder against one in prison by their generall Commission, so by the same

reason to take Indictments

Howsoever it is cleare they may enquire of many offences, and take Indictments in such cases where power by any Stat. is given to the Justices of Gaole-delivery to make enquiry of. When an Indictment is taken before Justices of Gaole-delivery in such cases where they have authority by Law of Stat.

Stat. there the title of the Indictment is, that *apud Gaolam deliberat. sent.* before the Commissioners of Gaole-delivery, *I. S.* was indicted, and the Record must be made up so.

And whereas by vertue of the Stat. 4 E. 3. Indictments taken before Iustices of the peace, or Coroner, or any other against Prisoners, then the Entry of the Indictment is returned. *Memorand. quod ad generalem Sessionem stat.* Before A. B. *Iustic. ad pacem in Com. Mid. or London, J. S.* was indicted and tryed before Iustices of Gaole-delivery, and by vertue of the said Statute Indictments taken before Iustices of the Peace in *London or Middlesex*, and tryed before Iustices of Gaole-delivery.

The Commission of Oyer and Terminer is, *ad inquirend. & determinand.* they may enquire of all the offences mentioned in the Commission, albeit the Offenders be at large: But they cannot try Prisoners upon Indictments taken before any other then themselves, as the Iustices of Gaole-delivery may by the aforesayd Stat. unlesse there be a speciall Commission made, as it was in the case of the Earle of Leicesther mentioned in *Plowdens Commentaries*: For the ordinary Commission of Oyer and Terminer is, *ad inquirend. & determinand.* therefore

they cannot determine things unless they made enquiry first; and on the other side also, the Justices of Gaole-delivery may try Indictments taken before Justices of the peace; yet one be indicted before Commissioners of Oyer and Terminer, the Justices of Gaole-delivery cannot try the same, because the Records of the Commission of Oyer and Terminer are to be returned into the Kings bench.

2. 3. 31.

The Commission was, and the Records of the proceeding before the Justices of Gaole-delivery are to be returned to the *Custos Rotulorum* of the County, when the same persons are Justices of Gaole-delivery, and Oyer and Terminer, they may sit the same day and place, and enquire by the same Jury, but the Entry of the Records must be severall, according as the Indictment is.

At the Assizes in the County the Iustices have their severall powers as Justices of Gaole-Delivery, Oyer and Terminer, and Justices of the Peace; but when the Records are made up, they must be according to the power they made election to proceed upon: this is the regular and legall course. But the Clerks of Assize promiscuously make Entry thereof: But if a Writ of Error be brought, they must certify

The Iustices Opinion, &c. 181

lie according to Law, or else it were erroneous, and so upon a *Certiorari*.

The Sessions of Peace at *London* may begin at *Guildhall*, and there adjourne to *Newgate*, if some Indictments be at *Guildhall*, then these must be so certified if otherwise at *Newgate*, then the Adjournment must be mentioned, and that the Indictment was then taken.

Note that the Tryall of Indictments taken before Iustices of the peace of *London* cannot be tryed at *Newgate*, as in nature of a Tryall before Iustices of the Peace of *London*; for many of the Commissioners for Gaole delivery are not Iustices of the peace for *London*: But in such case the Tryall must be before the Iustices of Gaole delivery, as upon Indictment taken before justices of the peace of *London*, and in like case of indictment taken before justices of the peace in *Middlesex*.

But if Indictments at *Newgate* be originally taken before justices of Gaole delivery, then it is considerable how the jury sworne and impanelled to enquire at the Sessions of the peace for *London* or *Middlesex*, serve to present Indictments before the Iustices of Gaole delivery at *Newgate*, unless the custome and usage will warrant that the two severall juries sworn at the Sessions of the peace for *London* or *Middlesex*, and also by the same oath and impanelling

selling to serve for the Grand-jury for the Com. of Gaole-delivery, and Oyer and Terminer.

Upon conference with Mr. Keeling, and the Clerks for Newgate, of London and Middlesex, and the Clerks of Affizes, and view of their severall Entries, a more mature and certaine resolution may be given; this being in haste, and without such consideration as were requisite:

CORO-



CORONERS,
of their Office, and
of their Authority.

And where a Man shall Ap-
prove, and where not.

And which shall be good
Appeales for Approvers,
and of the Answer
unto them.

And where a man shall have
Sanctuary, and where not.

And where a man may Ab-
jure, and where not.

Note that the Office and Au-
thority of a Coroner is to
sit *super visum corporis* of ^{22 Edw. 3.}
them that die otherwise then
by the visitation of God, and
take sufficient Record of the view :
And

And so to Abjure them that ought to be Abjured, and for to Record that And also to Record Appeales and Accusations of Felons that approve 25 Ed. 3. And lawfully to take Pleas of the Crown, and to present them as appeareth in the Statute of *Westm.* the first cap. 10. And to take Appeale of Robbery and Felony. 9 Hen. 6. fol. 4. 37. Quere if they may proceed in that for the Book saith that they may Record Non suits in Appeales, and give judgement upon Outlawries.

The Coroner certifieth into the Kings-Bench, that *W. C.* received *A.* as he was carried to be hanged, and conducted him to the Church of *S.* This is no good Record: for he can certifie nothing but *super visum corporis*, or by special Writ to him directed.

A Coroner is made in the time of King Henry the eight, and the Coroner sitteth in the time of the King that now is, *super visum corporis*, and taketh sufficient Indictment, and certifieth that is a good Record, and the Coroner may proceed upon it. 4 E. 4. 44. Fe. the Coroner is made by Writ, and shall endure till he be discharged by Writ: contrariwise it is of them that be made by Commission; for by the Kings death their power is then dissolved.

A Coroner sitteth *super visum corporis*, and taketh a perfect Indictment, and another Coroner of the same Shire sitteth after, and taketh another Indictment, the second Indictment is voyd. *5 R. 2. 10. & 7.* For by the first sitting the Enquiry is perfectly determined and ended. *5 R. 2. 10. & 7.*

A man indicted of Felony confesseth the Felony, and approveth, and hath a Coroner assigned him, and he approveth one of Felony in another County; This is a good Appeale, *9 H. 6. 45.* But *29 Ed. 3. 45.* the Coroner cannot make Proccesse to them, but he must certifie the Record to the Justice of the Gaole-Delivery, and they shall make the Proccesse.

Approvement is as much to say as an Accusation, and it must be after Judgement, and it must be made by him that is Indicted of Felony, and hath confessed the Felony; and upon this the Justices may assign a Coroner to hear his Approvements, and to record them, and a certain time shall be assigned him to Approve; but it is at the discretion of the Justices if they will permit him to approve or no: And if he approve out of the time to him assigned, it is voyd.

If a man plead not guilty to the Felony at the Issue, and after he will relinquish the Issue, and confess the Felony,

lony, he shall not be suffered to be-
 21 Ed. 3. 10. come an Approver. 21 E. 3. 10. For
 he hath taken a peremptory Issue, and
 is found two times false; one is by com-
 mitting the Felony, another is by ta-
 king of that false Plea, and there-
 fore he shall not be trusted to approve
 others.

25 Edw. 3. If one that is robbed bring an Ap-
 peale against one which confesseth the
 Felony, he shall not be suffered to ap-
 prove; for an approvement is onely for
 the profit of the King, and in this case
 the party shall not be so long delayed;
 and in an Appeale, the defendant shall
 not be suffered to approve.

A man is in prison for Trespasse, and
 will confesse Felony, he shall not be suf-
 fered to approve; for he is not in prison
 for Felony.

21 Edw. 3. A man that is Outlawed of Felony,
 he shall not be suffered to approve; for
 this Outlawry is an attainder in Law,
 and a man attainted cannot approve;
 for he is out of the protection of the
 King and his Law; and this approve-
 ment is an Action, and a man out of
 the Law can use no Action.

25 Edw. 3. A man approveth I. S. being an A-
 lien borne, and now being in Spain,
 this is no good approvement, for he can-
 not be summoned by Process to answer.

21 Ed. 3. 9. A man cannot approve another after
 that he himselfe is abjured; for none
 can

an approve but such as may have judgment to be hanged, and so cannot a man abjured.

A Clerk convict escapeth out of the Bishops prison, and maketh another Felony, and confesseth that Felony, he shall not approve, for he hath another judgement before, and he is out of the Law, and cannot be adjudged againe. 17 Ed. 3. 4.

If the approver mishearse the appeal, either by his name, or the colour of his horse, he shall be hanged incontinent. 25 Ed. 3. 19.

If a man be indicted for forging of false money, if he confesse that Treason, he may approve others. 19 H. 6. 22 Edw. 3.

If one confesse the Felony, and approve another which joyneth the misdeed by battle, that not guiltie, and when the approver cometh to the field to fight he relinquisheth his approvement, he shall be hanged incontinent, and the other shall go quit; for this doth countervaille his approvement. 21 H. 5. 38.

An approver appealeth himselfe and his friends for that they brake out of N. in which they were for Felony: this is no good approvement; for one cannot approve another of Felony, but of such whereunto himselfe was partie, and the breaking of the prison was severall rapes; for one was not party unto the escape of the other.

An an approver approveth another, which

which pleadeth not guilty, the King pardoneth the approver, the appellee shall goe quit: contrariwise it is if the approver dye in prison.

25 Ed. 3. 25. An approver appealeth another, for that he did receive goods knowing they were stolen; this is no good approvement.

35 Ed. 3. 12. 7. An approver approveth another of Felony whereunto himselfe was not privy nor party; this is no good approvement.

3 Ed. 3. 36. An approver appealeth one which appeareth, and upon that the approver seeketh his Clergy, the appellee shall be arraigned upon the Felony for the King.

21 H. 6. 45. An approver appealeth *I. S.* and there is none such *in verum natura*, the approver shall be hanged incontinent. The Justices of the Gaole-deliverer or of Oyer and Terminer may assigne a Coroner unto him that will approve, but Justices of peace cannot.

1 Jac. 25. &c. 28. Sanctuary taken away by the Statute *Ideo, &c.*



In what Cases a
Man may have
his Clergy, &
what not.

And where the Ordinary
may refuse the Clerk,
and where he may
challenge him.

And where the Abuses of
the Clergy shall be
punished.

And where it is Finable.
And which Acts shall bee
judged an Escape, and
which not.

Note that if a man be convicted
of wilfull Murder, Poysoning,
Robbing of a Church, or Robbing
the Highway, or for Burglary, 1 Ed. 6. c. 12.
where

where any is put in fear of their life, for stealing of Horses, Mares, or Geldings, these persons shall not have the Clergy, by the Statute of *Anno 1 E. cap. 12.*

Such as for the offences aforesaid be arraigned and stand mute, or challenge peremptory above the number of twenty Jurors, or will not answer directly to the Felony, they shall not have the Clergy, by the aforesayd Statute; but in all other cases they shall have the Clergy, as they might have had before the 24. day of Apr. *Anno 1 H. 8.*

A man arraigned of Rape shall have his Clergy *per Stat. El. 18. cap. 6.*

1 Ed. 6.

A man that is Bigamus (that is twofold married) or hath married a Widdow arraigned of Felony for stealing of a Cow, shall have his Clergy, that is given by the Statute of *Anno 1 Ed. 6.*

A man is arraigned for robbing of a house in the night where none was in fear of their life, he shall have Clergy.

22 Ed. 3. 25.

A Clerk convicted killeth his Keeper and escapeth, and is taken again arraigned of Felony, he shall not have his Clergy. 22 Ed. 3. fol. 25. For *fra legis auxilium invocat qui in legem committit.*

A man indicted acknowledgeth his Felony, and approveth, and when the appeale appeareth, the appellee prayeth

Clergy, he shal not have his Clergy.
 He that is arraigned of any Felony
 thereof he might have his Clergy, if he
 be mute, or otherwise abuse himself,
 that he should be put to his pennance
 he shall not lose the benefit of his
 Clergy; for he is not put from that by
 Statute.

If a woman be arraigned of Felony, 21 Edw. 3.
Coron. 461.
 she can read, she shall have her Cler-
 gy in all cases as if she were a man.

If a man is arraigned of Felony, and
 prayeth his Clergy and cannot read, he
 shall be committed to the Ordinary,
 after he hath judgment of death, and
 he prayeth his Clergy, and can
 read, he shall be committed to the Or-
 dinary; but it seemeth that that is at the
 discretion of the Justices. 34 H. 6. 55.

If a man taketh a Church for Felony, 9 Ed. 4. 29.
 he will not confesse the Felony to the
 Ordinary, and is drawne out of the San-
 ctuary and arraigned, yet he shall have
 his Clergy if he can read.

If a man is arraigned and prayeth his
 Clergy and can read, and the Ordinary
 doth not demand him, yet he shall have
 his Clergy. 22 Ed. 3. 35.

If a man is abjured and taken againe, 9 H. 4. 3. 29.
 yet it is demanded what he can say 8 H. 4.
 before he should not die, and he
 prayeth his Clergy, if he can read he shal
 have it.

If a man make an appeal of goods & olne the
 Defen- 3 H. 7.

Defendant shall have his Clergy.

A man is arraigned of Felony, and attained, and hath judgment of death, and is delivered to the Gaoler to be hanged, and he prayeth his Clergy, if he can read, and there be an Ordinary to allow him, he shall have his Clergy.

If the Ordinary keep a Clerk convicted more easily or more straightly than he ought by the Law, the King shall reform him; and if he deny a Clerk to make his purgation where he may make his purgation by the Law, the King shall compell him to suffer the prisoner to make his purgation.

If a Felon pray his clergy when he may have it by Law, and the Ordinary refuse him, the Ordinary shall be amended, and the prisoner shall be hanged.

F I N I S.

Ex. f. M.

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